

SENATE

Tuesday, February 09, 2021

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

PAPERS LAID

1. Response of the Personnel Department to the Twenty-Fourth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on the examination into the Processing of Payment of Pension and Gratuity to Retired Public Officers and Contracted Employees. [*The Minister of Public Administration and Digital Transformation (Sen. The Hon. Allyson West)*]
2. Response of the Service Commissions Department to the Twenty-Eight Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament, on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2018. [*Sen. The Hon. A. West*]
3. Annual Report and Audited Financial Statements of the Trinidad and Tobago Heritage and Stabilisation Fund for the year ended September 30, 2020. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
4. Annual Report of Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2020. [*Sen. The Hon. F. Khan*]

Ministerial Response of the Ministry of Finance to the Twenty-Fourth Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on the examination of the Audited Accounts, Balance

Sheets and other Financial Statements of the Export-Import Bank of Trinidad and Tobago (EXIMBANK) Limited for the financial years 2012 and 2017. [Sen. The Hon. F. Khan]

5. Consolidated Financial Statements of the Telecommunications Services of Trinidad and Tobago Limited for the year ended March 31, 2019. [Sen. The Hon. F. Khan]
6. Consolidated Financial Statements of the Telecommunications Services of Trinidad and Tobago Limited for the year ended March 31, 2020. [Sen. The Hon. F. Khan]
7. Annual Report of First Citizens Investment Services Limited and its Subsidiaries for the year 2020. [Sen. The Hon. F. Khan]
8. Response of the Auditor General to the Twenty-Eighth Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament, on the examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2018. [Sen. The Hon. F. Khan]
9. Ministerial Response of the Ministry of Planning and Development to the Twentieth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on the examination into the approval process for land use in Trinidad and Tobago. [Sen. The Hon. F. Khan]
10. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the Fourteenth Report of the Joint Select Committee on Social Services and Public Administration, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into the challenges on prisoner re-entry

into society and prisoner reintegration services in Trinidad and Tobago. [*Sen. The Hon. F. Khan*]

11. Quarantine (Maritime) (Amendment) Regulations, 2021. [*Sen. The Hon. F. Khan*]
12. Tobacco Control (Amendment) Regulations, 2019. [*Sen. The Hon. F. Khan*]

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. It is my understanding that the questions to the Minister of Finance have been deferred by the person who posed the questions and we will be answering the rest of the questions on the Order Paper.

Madam President: Yes. Sen. Richards.

Sen. Richards: Thank you, Madam President. May I beg your indulgence to raise Standing Order 27(12) so that questions—on behalf of Sen. Deonarine, Question Nos. 72, 74 and 75 to the Minister of Finance be deferred?

Madam President: So questions are deferred.

The following questions stood on the Order Paper in the name of Sen. Amrita Deonarine:

National Insurance System

(Feasibility Study)

72. Can the hon. Minister of Finance indicate whether a feasibility study is being conducted to examine the inclusion of sole traders and members of the informal economy under the National Insurance System?

Central Bank Monetary Policy Report 2020

(Errors/Omissions)

74. Could the hon. Minister of Finance state:

Having regard to references contained in the Central Bank's Monetary Policy Report 2020 to the large number of errors/omissions on the country's Balance of Payments account, can the Minister provide reasons for said errors/omissions?

Budget Statement 2020/2021

(Financing Fiscal Deficit)

75. Could the hon. Minister of Finance state:

Given the Minister's projection in his 2020/2021 Budget Statement that the fiscal deficit for 2021 is expected to total \$8.209 billion or 5.6 per cent of Gross Domestic Product, can the Minister advise as to the following:

- (i) has a decision been taken by the Government as to how the deficit will be financed;
- (ii) if the answer to (i) is in the affirmative, does the Government intend to engage in any domestic borrowing, external borrowing or drawdown from the Heritage and Stabilization Fund to finance said deficit; and
- (iii) what is the TTD value of the funds to be acquired from the sources mentioned at (ii), if any?

Questions, by leave, deferred.

Madam President: Sen. Mark.

Sen. Mark: Thank you, Madam President. Question 57 to the Minister of Education.

Madam President: Sen. Mark, Question 49, I think.

Sen. Mark: Oh no, no. Yeah, yeah, yeah. I beg your pardon. Let me just read it again. Question 49 to the Minister of Education.

University of Trinidad and Tobago
(Closure of Campuses)

49. Sen. Wade Mark asked the hon. Minister of Education:

Given the recent decision by the board of the University of Trinidad and Tobago to close four of its campuses due to financial constraints, can the Minister indicate what impact this decision is expected to have on national employment levels?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. The University of Trinidad and Tobago has advised the Ministry of Education that since the announcement of the closure of the Agora, Corinth, O'Meara and Valsayn campuses of the UTT, there have been no reduction in the staff complement, student enrolment or programme offering at the UTT. Thank you.

Sen. Mark: Hon. Minister, like the last time, he is confused. You are anticipating Question No. 2. We are dealing with Question No. 49.

Madam President: Sen. Mark, I think the Minister—

Sen. Mark: “No, he talking about campuses and he talking about staff. I ain ask nothing about staff in that question”.

Madam President: Sen. Mark, if I read the question, you have asked about the impact on employment because of the closure of the four campuses and the Minister has answered the question. Any supplemental?

Sen. Mark: Okay. Could I ask the Minister, therefore, whether there is any intention on the part of UTT, in the future, to reduce its staff levels having regard to its challenges financially?

Madam President: Sen. Mark, I would not allow that question.

Sen. Mark: Let me go on to the next question. Question No. 57 to the Minister of Education.

**University of Trinidad and Tobago Tamana Campus
(Amount Spent on Construction)**

57. Sen. Wade Mark asked the hon. Minister of Education:

Can the Minister indicate the total amount spent on the construction of the Tamana Campus of the University of Trinidad and Tobago, as at September 30, 2020?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you. Madam President, \$1,918,401,937.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate when would this haemorrhaging of the people's money be halted, be stopped?

Madam President: Sen. Mark, that question—

Sen. Mark: Can the Minister indicate—

Madam President: Sen. Mark, that question is not allowed.

Sen. Mark: Can I ask the Minister, Madam President, when the project—the Tamana InTech signature project—when is that project expected to be completed given the numbers given by the hon. Minister?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, it is public knowledge that the University of Trinidad and Tobago has been transitioning, as expected, from the existing campuses to the Tamana InTech Park.

Sen. Mark: Can the hon. Minister indicate what, if any, is the quantum of the cost overrun on this project given the numbers he has given to this honourable House?

Madam President: Sen. Mark, that question is not allowed.

Sen. Mark: Can the hon. Minister indicate whether the contracting firm engaged by the Government to construct this particular campus, Tamana campus, is that contractor still on the job and is the Government happy with its operation?

Madam President: So, Sen. Mark, those two questions are not allowed and let us move on to the next question.

University of Trinidad and Tobago

(Details of Forensic Audit)

58. Sen. Wade Mark asked the hon. Minister of Education:

As regard the forensic audit into the operations of University of Trinidad and Tobago conducted in 2016, can the Minister indicate the following:

- (i) what is the name of the forensic auditing firm that conducted said audit;
- (ii) what was the cost of the audit;
- (iii) what were the findings and recommendations of the audit; and
- (iv) when will a copy of the forensic audit be tabled in the Senate?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, no forensic audit was conducted by the UTT in 2016.

Sen. Mark: Can you tell this honourable Senate when the forensic audit was conducted, if any was conducted at all?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, I am not in a position to say if any was conducted and if there were, when they were conducted. But I could say with certainty that in relation to the question, no forensic audit was conducted in 2016.

Sen. Mark: Yes, you said that.

Madam President: Sen. Mark.

Sen. Mark: I am asking the Minister, through you, whether he can tell the Parliament, the Senate, whether the Government has conducted a forensic audit.

Madam President: So, Sen. Mark, is it that you think by repeating the question, you are going to get a different answer? That question was posed and the Minister answered it.

Sen. Mark: “Buh he din answer, Madam President. Dais ah answer?”

Madam President: Do you have any other questions?

Sen. Mark: Madam President, we need to change the Standing Orders. That is my question.

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD (REPEAL) BILL, 2021

Bill to repeal the Livestock and Livestock Products Board Act, Chap. 67:05
[*The Minister of Agriculture, Land and Fisheries*]; read the first time.

[*Interruption*]

Madam President: No, Sen. Mark, please let us not begin this sitting on that—no—on that kind of footing. Please. Continue.

Sen. Mark: The Minister [*Inaudible*] for it.

Madam President: Sen. Mark, please abide by what I am trying to guide you on. Okay?

FOREIGN LABOUR CONTRACTS (REPEAL) BILL, 2021

Bill to repeal the Foreign Labour Contracts Act, Chap. 88:11 [*The Minister of Labour*]; read the first time.

TOBACCO CONTROL (AMENDMENT) REGULATIONS, 2019

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President. I beg to move the following Motion standing in my name:

Whereas it is provided by section 38(1) of the Tobacco Control Act, Chap. 30:04 (hereinafter called “the Act”) that the Minister may make Regulations prescribing requirements and standards for tobacco product constituents, including emissions of smoked products, additives and product design and specifying methods for testing and measuring compliance with the performance prescribed and generally for carrying out the purpose of this Act;

And whereas it is also provided by section 38(1) of the Act that Regulations made under that section shall be subject to affirmative resolution of Parliament;

And whereas the Minister has on the 29th day of May, 2019 made the Tobacco Control (Amendment) Regulations, 2019 (hereinafter called “the Regulations”);

And whereas it is expedient that the Regulations now be affirmed;

Be it resolved that the Tobacco Control (Amendment) Regulations, 2019 be approved.

Madam President, before I start, could I ask what time am I finishing please?

Madam President: You have 30 minutes. You have started at 1.45.

Hon. T. Deyalsingh: Thank you very much. Madam Speaker—Madam President, sorry, today we are here to strengthen the Government’s policy to reduce the occurrence of non-communicable diseases and the particular NCD we are addressing today is that of the deleterious effects of smoking. By a brief history, I must give a background as to what we are doing today as a background to the Regulations and pictorial health messages.

Trinidad and Tobago became a signatory to the World Health Organization Framework Convention on Tobacco Control, FCTC, on August 22, 2003. The Convention was rectified and adopted by Trinidad and Tobago on August 19, 2004 and thereby entered into force on February 27, 2005. The Tobacco Control Act was assented to in December 23, 2009 and partially proclaimed on February 17, 2010. The Regulations were developed and remaining sections of the Act were actually proclaimed on August 05, 2013.

What we are here to do specifically is to give life to Article 11 of WHO FCTC and I would like to put this on record by reading it please.

- “1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:
- b. each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages.”

Madam President, before I continue, this process started in 2003 and before I continue, I would like to pay tribute to all the Ministers of Health before me. We are just accepting the baton for the final leg of this race. I would like to put on record my sincere appreciation to former Minister of Health Hamza Rafeeq, former Minister of Health Colm Imbert, former Minister of Health John Rahael, former Minister of Health Jerry Narace, former Minister of Health Dr. Fuad Khan, and now myself. It has been a relay, it has been a long relay and I want to pay tribute to all my colleagues who served in this position before me.

It will be remiss of me if I did not pay tribute to one person in particular who laboured long and hard at the Ministry of Health over these Regulations for decades and who unfortunately, upon retirement, died. That officer's name is Bhabie Roopchand. She worked tirelessly at the Ministry, giving yeoman service to every single Minister regardless of political affiliation. So in thanking the Ministers—UNC, PNM—I also want to thank that public officer, Bhabie Roopchand. [*Desk thumping*]

Madam President, we are here to give affirmative resolution to put in warning pictures, graphic warning pictures on cigarettes packages. But before I go on, what is in a cigarette? What is the mischief, as the lawyers will say, we are trying to solve? Do you know, Madam President, a cigarette—cigarette smoke and cigarettes have over 4,000 harmful chemicals, 4,000? Including acetone which we use to take off nail polish; cyanhydric acid—sounds familiar?—cyanide; methoprene acid which is a flea killer; benzopyrene found in coal tar, it is a carcinogen; turpentine which is a pain stripper; methanol, used as rocket fuel; toluene, an industrial solvent; arsenic which is a poison; lead; DDT, an insecticide, and carbon monoxide to name a few. What do these chemicals cause? What havoc is wreaked upon the population?

Lung cancer is the fourth leading cancer in Trinidad and Tobago, the fourth, after prostate in men, breast. And, Madam President, in preparing for this, just as an aside, breast cancer occurrence between January 2013 and December 2017, 1,827. But what was shocking is that you had 34 men in that with breast cancer. Just an aside for men not to think they are free from breast cancer. Colorectal cancer and then lung cancer, 975 cases between January 2013 and December 2017. But that is not the whole story about the deleterious effects of smoking. When one

breaks down the fatality and the deaths due to lung cancer mainly due to smoking, we had 641 deaths between January 2013 and December 2017.

But, Madam President, I want the national community to pay attention to this, why you should stop smoking. Most of the deaths occurred in the age group 50 to 64; 50 to 64, when people are in the prime of their lives. The prime of their lives, they are cut down by lung cancer. Forty-eight people died between 50 and 54 in the years 2013 to December 2017—prime of their lives, cannot even see their grandchildren; 55 to 59, 105 persons died, mostly men, and 60 to 64, 126. So 275 persons in the prime of their lives died because of smoking. That just puts into context, statistically, what we are up against. Very, very, very, very sad.

So, Madam President, I have given you what cigarette smoke contains and I have given you the stats. We are here today to change some of the Regulations to move from the original position of having 24 images—12 under Set A and 12 under Set B, and let me explain to you why. Originally, those images were supposed to come from the European Union. However, in correspondence with the European Union over the years, they have indicated to us in Trinidad and Tobago that they will not license the images to third parties. In other words, they would license it only to the country, Trinidad and Tobago, but then we could not sublicense it down to WITCO and that was the major delay in this. Let me repeat. The European Union images were not allowed to be licensed to the third parties.

So what did we have to do? We approached our colleagues in Jamaica—so at clause 4 to repeal Schedule 1 of the Tobacco Control Regulations and replace it. We went to the Caricom Regional Organisation for Standards and Quality, better known as CROSQ. That database had images which Trinidad and Tobago could access and then licensed it to WITCO and other persons in the industry. So

Jamaica is the custodian for those images. So we were able, with Jamaica, with CROSQ, to get 16 images. Instead of 12 and 12 in Sets A and B, we have now gotten eight and eight, totally 16 and those are the images in Schedule 1 that we are now discussing here today. I cannot display but persons who have travelled abroad and seen cigarette packs abroad will see the graphic images of mouths with oral cancer, amputated toes, people with throat cancer who cannot speak and have to use this voice box and so on. So those are some of the graphic messages that we are going to be putting in now into our cigarette packs.

The main purpose of this is to prevent tobacco use and abuse by children; to regulate tobacco use by individuals; enhance public awareness of the hazards of tobacco use and that is where the Tobacco Control Unit comes in with their smoke cessation clinics and so on; and ensure that individuals are provided with information because for people to be make decisions, they must be informed about using tobacco; to protect individuals from exposure to tobacco.

Let me make a point here, Madam President. When the world finally got tough with the tobacco industry, the tobacco industry which then could not advertise in sport arenas, on TV, on radio, on the papers, had to come up with new strategies to protect market share. And just as an aside, you would hear in certain countries with COVID now, certain parts of populations are disproportionately disadvantaged by COVID. Why? Because of living conditions, educational attainment, income and so on. The same thing happens with smoking now. Most smokers around the world, and we have two doctors on the Independent Benches here will tell you, that those individuals who do not have tertiary education, secondary education, do not come from high-income families, do not come from the families where learning is passed down from parent to child, those

disadvantaged members of society are now the targets for smoking because those people do not engage in what we call health-seeking behaviour. Fact.

So you will see a big disparity now, income-wise, education-wise between those who smoke and those who do not smoke. Those who do not smoke tend to have tertiary education, higher incomes, more educated. They engage in health-seeking behaviour. On the other end of the socio-economic spectrum, those folks do not engage in health-seeking behaviour and they carry the burden of diseases like lung cancer due to smoking. Fact of life.

So what we are hoping is that these images will encourage people, especially that part of the population most vulnerable to the marketing techniques of cigarette manufacturers to see smoking as not as a desirable endeavour. In the old days, the ads for smoking would show young people, “they vibrant”, sensual. Smoke was equated with business acumen, achievement. Now, because we cannot do that, we have to find new markets.

Madam President, the graphic 16 images in Schedule 1 would show the public the real and uncensored effects of smoking, especially on the human body.

2.00 p.m.

Cancers, I gave you the stats for lung cancer; impotence; blindness, blindness; stillbirths, when women smoke, especially smoking in pregnancy which is a problem in Trinidad and Tobago—do not think it does not exist, women still smoke in pregnancy—oral disease; gangrene; and also, we must protect our children, not only to discourage them from smoking but from the deleterious effects of second-hand smoke where their parents smoke, their grandparents, their peers. Second-hand smoke on a child is deadly.

Information from the Lung Cancer Treatment Centre at the Eric Williams

Medical Sciences Complex, it is not only a burden on families and deaths as I said, it is a financial burden on the taxpayer, because the taxpayer we calculate, has to shell out TT \$500,000 to treat one lung cancer patient. That is what this free public health care system does, 500—half of a million dollars to treat one lung cancer patient. Think about the opportunity cost of that. What could that money have been used for if we did not have all these individuals smoke?

Madam President, we are going to abide by WHO requirements under section 5 where initially the pictorial warnings will cover 50 per cent of the package, so half of the label of the package will contain these graphic warnings, 50 per cent. That is in compliance with WHO's agenda. Other countries have gone more but we are going for 50 per cent coverage.

The question will be asked so I will answer it now. When will this come into force? It is a logical question. The Regulations do not stipulate a time but in conversation with the Attorney General, the Chief Parliamentary Counsel, and WITCO, and we have done it in the past where we had to give WITCO a moratoria for not having the packages—not having the labels because we were not ready, by administrative letter. These measures by administrative letter will come into force one year, one year, after these Regulations go through the Senate—and hopefully I get support today—and the Lower House, and on the production and hand over of the images to WITCO. The images are already in country. The Tobacco Control Unit already has them and they are prepared—once we get affirmative resolution today in the Senate and then in the Lower House later on—to hand over these images, these 16 images, eight and eight under Set A and Set B to be rotated to WITCO within the next seven to 14 days.

So all things being equal, Trinidad and Tobago as part of the Governments

NCD policy to curb smoking to reduce the deaths, to reduce the call on the Treasury, we should start to see these things being rolled out by February to March of 2021. We have to give WITCO enough time to run out their current stock of packages, gear up for the new packages, print new packages, and rejig their packaging system because in the old way you are making one package with one label, now according to these, with the 16 messages Set A and Set B, you are supposed to mix up the images at any one time. So any carton of cigarettes will not contain packages with the same message, will be different messages in the same carton of cigarettes. So it does call for some rejigging of WITCO's and other manufactures' production processes, and as I said before, we have granted them a moratorium on when this can start and we have done that. There is total agreement between WITCO, the CPC office, and the Attorney General's Office.

Sen. Mark: Hon. Minister, can I?

Hon. T. Deyalsingh: Sure.

Sen. Mark: Hon. Minister, could you tell this honourable Senate whether these Regulations will impact or affect electronic smoking or what is called "vaping" in our country?

Hon. T. Deyalsingh: Sure, thank you. So the issue of electronic smoking and I am glad you raised it, I do have it and I will address it in my wrap up. Okay? But I do have a brief here on that, because this is not to address electronic smoking as yet, but I do have a brief and I will address it in my wrap up.

So what we are aiming to do, Madam President, is to reduce, one, the incidence of smoking; two, to reduce the incidence of second-hand smoke. And you know, you would think by now people will get the message that smoking is bad for you. You would think by now the world will get the message smoking is

bad for you. But do you know, Madam President, 93 per cent of the world's population are still living in countries not covered by 100 per cent smoke free public health regulations, where second-hand smoke in the home is still common?

So this is an appeal to parents, to guardians, to the elders in society, to myself, I mean, I would tell you if my wife hears this now she is going to kill me when I reach home this evening: I used to smoke in primary school. In primary school I used to smoke, until my mother “ketch” me smoking in primary school and put the “cut tail” of my life and I stopped, because you fall into bad company, right. And I never started back. Right. [*Laughter*] I think I will have to sleep outside tonight—but smoking is just not good for you.

Globally, Madam President, more than a third of all people are regularly exposed to the harmful effects of smoke and this type of exposure is responsible for 600,000 deaths per year. Think about that. Second-hand smoke, not primary smoking, second-hand smoke. I am smoking next to Sen. Bacchus, he inhales it “he go dead”, sorry, [*Laughter*] he might be passing, Madam President, right? And the thing is, all the chemicals I spoke about, the toluene, the cyanide, the DDT, the acetone—I would not call Sen. Bacchus, but the person who is inhaling my smoke also inhales that. So this is a very, very serious matter; very, very serious matter. So, I am hoping today as I come to a close, it should be noted that successive governments have taken action to stop and ban the smoking of cigarettes in public transportation terminals, in workplaces.

Madam President, if you look at an old film from the '30s and '40s, you know what is the common thing you will see?—smoking. And look at how many women used to smoke in film in those days. But that is politically unacceptable these days to have smoking in films. Look at a film from the '30s, '40s, '50s, '60s,

the incidence of smoking with both the star boy and the star girl, Greta Garbo, “all them” people, was phenomenal. So we have banned the smoking of cigarettes:

- “(a) public transportation...
- (b) workplaces
- (c) retail establishments including bars, restaurants and shopping malls
- (d) clubs
- (e) cinemas
- (f) concert halls
- (g) sports facilities
- (h) pool and bingo halls...”

You remember the old films where you go to shoot pool and all you are seeing is smoke? It was a smokey environment, an old casino in Nevada back in the 1950s was only smoke because smoking was so pervasive, because smoking was linked to pleasure and pleasurable activities and success.

- “(i) publicly owned facilities rented out for events
- (j) any other facilities that are accessible to the public.”

Another effect that we are trying to curb by these graphic warnings—I have dealt with primary smoking, second-hand smoke—third-hand smoke; yes, third-hand smoke.

Madam President: Minister, you have five more minutes.

Hon. T. Deyalsingh: Yes, thank you.

“Thirdhand smoke is residual nicotine and other chemicals left on indoor surfaces by tobacco smoke.”

So you smoke, the smoke descends, sticks on to these surfaces and then the unsuspecting person picks it up.

So, Madam President, smoking is just simply bad for you. We on this side, and I am hoping to reach out to the Opposition Senators, all six, and my Independent colleagues, I look forward to their contributions on this very important measure as we try to curb the incidence of NCDs, non-communicable diseases, in particular, lung cancer, and all the maladies that go with lung cancer, and Madam President, with those few words, I beg to move. Thank you.

Question proposed.

Madam President: Sen. Mark. [*Desk thumping*]

Sen. Wade Mark: Madam President, what time do I stop?

Madam President: I am sorry?

Sen. W. Mark: Okay. Thank you very much, Madam President. Madam President, I am very happy to contribute to this very important matter, this Motion dealing with cigarette smoking, tobacco, and related tobacco products.

Madam President, I would have liked the distinguished Minister to at least address a couple of areas that would have given this Senate an appreciation of where we are in Trinidad and Tobago in so far as this topic or subject that we are dealing with today, the amendment to the Regulations of 2013.

I would have liked the hon. Minister to share with us the enforcement aspect. The enforcement aspect I would have liked the hon. minister to give us an understanding of the extent of the illicit contraband trade in cigarettes, tobacco, and tobacco related products. I would have liked the hon. Minister to guide us as to the person or personnel that make up the Tobacco Unit in his Ministry, and how effective that agency or unit has been in this exercise that we are dealing with, as well as matters that they have been dealing with prior to these amendments.

Madam President, there is no doubt that there is a smoking epidemic in

Trinidad and Tobago, and I dare say globally. Trinidad and Tobago from my research remains the leading country in the Caricom region that engages in cigarette smoking on a very large scale, some 21 per cent of the population, from the research, is involved in cigarette smoking, representing over 260,000 citizens of our country.

So, Madam President, it affects males, it affects females, and it also affects children as well. Now, the purpose of the legislation or the Motion that is before us today, is to deal with these messages as outlined in the amended Regulations in which we are seeking to reduce the number of messages, images, warnings, from 24 to 16, Madam President. Health messages are essentially health warnings aimed at raising public awareness in a country, Madam President. The exposure to tobacco smoke as the Minister rightfully and rightly pointed out, does generate disease and death. And therefore, the posting of health warnings on the packaging of tobacco products is absolutely critical for raising public awareness about the negative impact of tobacco on their health.

Article 2 of the Framework Convention on Tobacco Control of the WHO along with its guidelines, state that health warnings should meet certain criteria to ensure their maximum visibility, for example, as the Minister said, they should cover 50 per cent or more of the main surface of the packaging. In Canada and Uruguay, it is over 80 to 90 per cent, Madam President. It should also include rotating images, that should be an element and that has been outlined. The packages ought not to include words like “light” or “mild” that could be misleading, Madam President, because you know the tobacco lobby is extremely powerful not only in Trinidad and Tobago, but I dare say on a global scale as we speak.

Madam President, I would like to indicate that when we look at these messages, these health messages, being reduced from 24 to 16 and the explanation offered by the Minister, I do not know if that is sufficient reason for the late arrival in our Parliament where we are debating today a measure that ought to have been debated in 2008. So we are really behind time. The Minister himself pointed out in the framework legislation, or convention, I should say, that we have three years to effect these warnings and/or messages once you signed up to the WHO Framework Convention on Tobacco Control.

He, the hon. Minister, that is, also indicated, Madam President, that Trinidad and Tobago signed off in 2005. The Convention said very clearly that we had three years once you ratified when it came into force. We signed off in 2005. I would like the Minister when he is winding up to explain to this Parliament why did it take the Government almost five years to bring legislation to give effect, Madam President, to the Framework Convention?

So, years have passed. Madam President, had we taken a proactive stance on this matter, had the Government at the material point in time provided leadership, because we played a very significant role back in 1999 under the then Basdeo Panday administration as the Minister alluded to, in helping to craft and draft the World Health Organization Tobacco Control Framework or Convention. But we went out of office of course in 2001, PNM took over.

So what I am saying Madam President, the PNM signed off and this is what the Minister alluded to. So there was continuity; we started it, the PNM continued. But what was significant under Rafeeq's tenure, is that the Cabinet took a decision to declare on a voluntary basis all Ministry of Health buildings, all RHAs, as no-smoke zones. And Madam President, it was really adhered to by the members of

the working staff and members of the public. So all I am asking the hon. Minister, is to deal with this, explain, rather, as to why we took so long as a nation to get this Act through Regulations—or to get the Regulations, rather—going, along with the Act itself which only came into effect in 2009, I think in December of 2009?

So, Madam President, we have these images before us, Madam President, and we would like the hon. Minister to understand and to appreciate as we are appreciating that cigarette smoking has had devastating consequences for the citizens. Cigarette smoking, Madam President, kills 50 per cent of all those who use it as was outlined. There are more deaths that are caused by cigarette smoking than when you combine Tuberculosis, AIDS, and Malaria together, to tell you how deadly that cigarette smoking is, Madam President

So, Madam President, the messages that we are dealing with here today, whilst they are important and critical to dissuade—to persuade members of the public who are chain smokers from continuing to smoke and to encourage them to quit smoking, we have to ask the hon. Minister whether those—the reduction from 24 messages to 16, given the arrangement at the Caricom level, to what extent we can approach the World Health Organization who I understand has over 40 messages available that we can access as a party to the Convention? So, I would have liked to see to what extent we could have approached the World Health Organization to access their messages as well, because they do have messages available for use by member states of the WHO.

Madam President, I want to say very clearly that nobody could be against legislation in the form of this Motion that seeks to address the interest of the vast majority of citizens concerning health care, taking care of their health, and those who are engaged, try to persuade them to become disengaged. But to do these

things, to give effect to these things, to monitor these things properly when they are effected as the Minister said, one year from now, we need to have proper resources, human resources, financial resources and technical resources.

Madam President, I have been informed that the Tobacco Unit in the Ministry of Health is populated by only two persons. The Minister can tell me if I am wrong. A very important unit like the Tobacco Unit that is supposed to deal with building awareness, raising consciousness, dealing with some of the main articles that have been translated into legislation in the particular piece of legislation coming from the Framework Convention, they only have two persons. Minister, I would like you to tell me if I am wrong on this. I would also like the hon. Minister to indicate whether we have compliance officers employed in the Ministry to ensure that our kids who, Madam President, enter bars although it is illegal to do that—for children to be sold tobacco or cigarettes. How are we monitoring, Madam President, this, if you do not have compliance officers?

So the Minister has to be very careful. This might be a lot of bravado but at the end of the day what is the efficacious impact of what we are doing here? How are our citizens going to benefit, Madam President, from this measure? The Minister just told us, Madam President, that between 2013 to 2017 or thereabout, over 600 citizens perished, and 157 of them or thereabout were between 50 and 60 or 65; we call it “the prime of their lives”. But how many of them could have been saved, Madam President? How many of them who wanted to quit could have quitted smoking if we had brought these messages three years ago, four years ago? The PNM has been in power since 2015; the Regulations were passed in 2013; you are now amending those Regulations. And do not tell me the European Union took you two years, or three years, or four years; you cannot tell this Parliament that.

So, Madam President, I am saying that the Government has been found wanting on this matter. And how many lives could have been saved, Madam President? The 600 and above lives that perished, that expired, if we had these messages in train three years ago, Madam President, how many of those lives would have been saved? I just—Madam President, that is one area I believe that the Minister needs to pay attention to. And I thought he would have indicated to us what steps are being taken by the Government to amend the legislation to give effect to electronic smoking or what is called vaping? And the people who are exposed to vaping are the young people in the main, young people experimenting like how you tried to experiment, that is, the Minister, when he was at school. Young people are trying to experiment and they are using vaping to experiment. It is a gateway towards being exposed to full-fledged smoking.

2.30 p.m.

Madam President, I want to let you know that the Minister has said nothing, nothing on the matter of how and what measures are in place, when these messages go up. And with all that has taken place in the past, citizens who would like to quit smoking, the Minister needs to tell this Parliament, what institutions, what infrastructure are in place, Madam President, to provide those citizens with an avenue to come out of their smoking habits. Do we have counselling services? Where are these counselling services located? Madam President, there is something called cessation programmes in many countries. Do we have cessation programmes in Trinidad, where the cessation programme has three stages, pre-contemplation, contemplation, and then actual quitting?

We would like the hon. Minister to indicate where these mechanisms can be located. I think that the Government has failed in its education drive, to build

awareness in this country. Why are we, Madam President, still the leading country in the Caribbean as it relates to cigarette smoking? That is not a good reputation to have. The Minister should come here today and tell us, this is the reality and these are the measures that we are going to be taking in the context of this piece of legislation through a motion, that we are addressing and we intend to bring down smoking by 30 per cent over the next two years or three years. So we will know, Madam President, that systematically there will be a reduction in smoking in our country. But the Minister comes here, gives us this impression that everything is working, when nothing is working. You cannot—Madam President—

Madam President: Sen. Mark, Sen. Mark.

Sen. W. Mark: Yes, Madam President.

Madam President: I have allowed you quite a bit of leeway in your contribution, the scope of this—of the regulations, the scope of the regulations is quite narrow and I would ask you therefore, to try and get back to the matter at hand.

Sen. W. Mark: Madam President, I have looked at this thing, I want to advise with greatest respect—

Madam President: Sen. Mark, do not advise me.

Sen. W. Mark: No I am not advising—

Madam President: No, no, no, no hold on. Senator, Sen. Mark, please, I have given you ample opportunity to make your contribution and I have given you a lot of leeway.

Sen. W. Mark: Madam President, thank you so much, thank you. Madam President, let me indicate that when we are talking about messaging, Madam President, messages, or messaging, or messages or warnings, do not take place in a

vacuum, there is a framework for messaging. As the Minister said, if you go to Article 11 of the Framework Convention—

Madam President: Sen. Mark, why do I get the impression that you are quarreling with me?

Sen. W. Mark: No.

Madam President: Because I have made a particular ruling.

Sen. W. Mark: I am quarreling with myself.

Madam President: Okay, do not quarrel with yourself, you can just—you have time to finish your contribution.

Sen. W. Mark: Yeah. Madam President, if you go to Article 11 of this legislation or of the convention, you will see the heading, Packaging and labeling of tobacco products. This is what the Minister outlined in his presentation. And if you go to Article (a), or let us say, Section 1 (a) of Article 11, it tells you, Madam President:

“...tobacco product packaging and labeling should not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effect, hazards or emissions...”

Madam President, it goes on to tell you that:

“...each unit packet and package of tobacco products and any outside packaging and labeling of such product, should carry health warnings describing the harmful effects of tobacco use...”

And these are matters, Madam President, that should be approved according to the document by the relevant authorities, Madam President.

So, this matter of packaging and labeling is the essence of what we are

dealing with today. And we are saying, Madam President, that if we are going to engage and embark upon these messages, and these health warnings, it cannot be done in a vacuum. The Government must put in place the necessary infrastructure, not only to discourage people when they stop smoking, Madam President, but to ensure that there is compliance with the law that we are going to give effect to. And that is why it is so important, Madam President, that the resource question becomes very critical. These messages cannot be effected properly, Madam President, without the appropriate monitoring and evaluating, as well as reporting. And you need human, financial and technical resources in order to achieve those particular goals or objectives, Madam President. So I just thought I should bring these matters to the attention of the Government.

Madam President, the PAHO in a 2011 report on this very subject matter was very critical of Trinidad and Tobago, in terms of these regulations and the non-implementation. And we are seeking to do, or effect I should say, these measures at this time with the passage of this particular Motion. Madam President, it is estimated that about 40 per cent of students—because Madam President, make no mistake about it, the young—the audiences or the targeted groups that we have to pay attention to, are children, those students who go to UWI, those students who go to primary school and secondary school, you have to pay attention, Madam President, to those people.

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Thank you. So I am saying, Madam President, that a study that was done some time ago, because data as you know, Madam President, is a bit limited in our country. So, the PAHO had estimated that about 40 per cent of students between the ages 13 to 15 years have experimented with cigarette

smoking at one time or another.

They went on to say that an equal percentage, 40 per cent male and female, also have experienced and experimented with smoking before the age of 10 years, Madam President. So we have a situation in which our young people are experimenting with smoking at a very tender age. And we have them when they get into their primary school, secondary school and tertiary level education setting, they are also, Madam President, exposed in a very negative way to this very harmful product called tobacco.

I want to indicate, Madam President, in the few moments I have that if the Government is extremely serious about defeating cigarette smoking in this country, the Government must take steps to ensure that there is proper enforcement, there are resources available, there are in fact human personnel to monitor, to evaluate and to ensure that there is compliance. I do not understand, Madam President, if it has taken us almost about, from 2005 to 2021, from the legislation in 2009 to now, which is about 12 years, Madam President, why are we giving these companies or this particular company a whole year in transition. Did WITCO not know that this thing was coming, Madam President? I am in favour of employment of people, I am not against employment of people, I am also in favour of health care, I am in favour of safeguarding the health care and the well-being of the people of Trinidad and Tobago. And therefore, Madam President, I would like to ask the Minister, these messages that we are going to agree upon today, or he is asking us to agree upon today, how will this impact on the illicit trade, the contraband tobacco trade, Madam President. That trade, Madam President, is significant and we need to get from the Minister some clarification on it in his winding up.

So, Madam President, let us not turn a blind eye on this deadly illicit trade

that may be having a very negative impact on children, on women, on our adults and our youths. So I ask the Minister to pay attention to that as he deals with the question of messages and warnings on cigarette packages, Madam President.

Madam President, I know that my time is up and I would like to thank you for giving me the opportunity to make this limited contribution. Thank you very much. [*Desk thumping*]

Madam President: Sen. Richards.

Sen. Paul Richards: Good afternoon, colleagues. Thank you, Madam President, for the opportunity to make a contribution to the Tobacco Control (Amendment) Regulations, 2019, which seeks to allow for the use, the sole use of 16 images and health messages contained in the Caricom regional organization for standards and quality database. I have some very strong views on tobacco use, so I hope I am not pulled up. I think that, you know, when you think about this situation regarding smoking and tobacco use, I am wondering why we cannot just be pioneering and just ban smoking, outright, ban it. [*Desk thumping*]

Based on the incontrovertible evidence of the dangers and deadly effects of smoking on every demographic, why do we not just be a pioneering country and say, you know what, Philip Morris, you are no longer allowed in Trinidad and Tobago, WITCO you have 10 years to get out, because it is against commercial interest. Because the tobacco lobby is a powerful lobby, because billions of dollars are made on tobacco every year. Despite the fact—and this is an incontrovertible fact—that in my opinion, tobacco companies are evil entities that profit on the illness and deaths of millions globally every—all over the world. And we know it is true, tobacco should be banned, period.

There is incontrovertible data that links smoking with cancer and other

health issues. The messaging from these evil tobacco companies that derive their profits from poisoning and deaths, number in the billions annually. Marlboro, Philip Morris, the biggest tobacco company in the world. And yes, I know these are strong perspectives and strong views, but this is just how I feel about it. We are dancing around an issue that we know is a deadly issue. Because of the commercial interest and yes, people will say, you know what, people have the right as adults to engage in the so called vices that they want, if you are banning tobacco, ban alcohol too. We might have to go down that road. Why can we not be pioneering and say, you know what, instead of debating whether 16 images, which quite frankly I will support because I do not see the alternative to it being productive, so I will support this. But the real issue here is smoking and that the allowing and the permission of smoking to continue, when we know about the deleterious effects of smoking. And the messages are so covert, so, in the last—I think 10 to 15, possibly 20 years, overt advertising has been banned. The absurdity of cigarette companies advertising at sporting events, hear the irony—in the vicinity of schoolyards so children could see and on television and radio, is a thing of the past in most countries around the world, the messaging has now gone very covert. So while are we debating the use of images, which as I said before, I cannot see an argument with it, because I saw the images, we cannot display due to the Standing Orders, is a no-brainer to me, I would say, I do not see how anybody could vote against this. That is not the modality that the cigarette companies are using anymore.

There is digital media, and social—and tobacco companies pay to ensure that their products are in popular movies, music videos, popular bloggers, artistes, endorsements, et cetera. So, while we are debating 16 images here, the counter message to smoke, targeted at the really lucrative age group for them, which is a 10

to 15 year old to get them hooked as early as possible, are not going to see these messages. And when you think about the irony of it and I am not again, I do not think the Minister is being unproductive by piloting this, I think this is a no-brainer as I said before. If the message is on a cigarette pack that the possible or the prospective user has to see, half the battle done already, the cigarette done in the person hand already.

So, the message really has to go out about prevention of smoking, and the dangers of smoking, through the medium that will reach the person who is the target of the cigarette company, a 10 year old. Because they know that if they hook somebody between 10 and 15 years old, the Minister gave his testimonial, the hon. Minister, sorry, gave his testimonial in his piloting of this Bill, that he smoked in primary school and I think the Minister has to be about my age, so that is some decades ago. It means that you could imagine how much more pervasive it is now, that 10 and nine year olds—and the evidence of the Centers for Disease Control in the US and its UK counterpart back up the claims that the smoking really starts between 10 and 15 years old, that is the catchment for tobacco companies. So these images really will do little to prevent those, that catchment that demographic, or warn that demographic against smoking. We are coming behind the curve with these sorts of modalities. Smoking should be banned outright, I will say it again. But tobacco companies are a powerful lobby, well connected, they still sponsor major media houses, media conglomerates, entertainment companies globally, and political parties, under the table.

2.50 p.m.

I think once these packages are already in the hands of users and prospective users, the battle has been lost:

“5.6 million children alive today will ultimately die...from smoking if we do not do more to reduce current smoking”—trends

This is from the CDC, the Centers for Disease Control. As the Minister correctly outlined, tobacco smoke is made up of thousands of chemicals, including at least 70 known carcinogens, cancer-causing agents. Some of the chemicals include formaldehyde which they used to embalm bodies, lead, arsenic, ammonia; radioactive elements like polonium-210, carbon monoxide. There are 4,000-plus known chemicals in tobacco, many of them aimed specifically at your brain pleasure centres to hook you.

The primary objective of a cigarette is to hook you, activate your brain pleasure centre. So when you get that in your system it is extremely difficult to stop that practice; that is why the process of reversing smoking addiction is so difficult. Yes, radioactive material. There are 600 additives that are authorized for use in tobacco products, 600. Only the tobacco manufacturers can say which additives are used and in which brands, not even governments or the European Commission which are responsible for the regulation of tobacco products have this information or the power to demand it because it is a top secret, because it is aimed at hooking you or your child or children, baseline. And that is why I said earlier in my opinion, these are evil companies because they profit off of mayhem and death.

The Minister said he will deal with it in his wrap up but I think it is very important, and Sen. Mark also raised the issue of electronic cigarettes which are now the new hip thing, vaping cigarettes and hookah, and you are seeing it appearing in popular movies and pop culture because that is the medium of advertising. It is no longer overt advertising, you show a popular artiste or a popular actor with a vaping stick in his or her hand or going to a hookah bar and

enjoying in certain circumstances and the young people want to emulate that behaviour. That is the new modality of advertising, not on packages, not on adverts on TV and radio, and we have to understand that to be ahead of the curve.

“...9 out of 10 adults who smoke cigarettes daily first try smoking by age 18, and 99% first try smoking by age 26.”

Every day—“in the U.S.”

We do not have Caribbean statistics:

“about 1,600”—young people—“smoke their first cigarette...”

Every day in the US 1,600 young people try their first cigarette, guess how many, what percentage of those remained hooked on cigarettes, over 85 per cent. You see the hiked rate with the addictive properties of cigarettes. So multiply 1,600 by 365, and this is data from the CDC.

“In 2020, 85% of high school students and 74% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product...”

So you know what they are doing now, they are adding cocoa, nice flavours to it so when you smoke it you are getting a different kind of flavour, “more ting tuh hook yuh”. They have heated tobacco products, so now they have tobacco dispensers where they drop it with a little device and it comes up in the atmosphere and you can communally inhale the tobacco now. Now if these are not evil modalities, something is wrong.

Young people—“who use multiple tobacco products are at higher risk for developing nicotine dependence and might be more likely to continue using tobacco into adulthood.”

So you see how insidious this smoking issue is? And I know we cannot ban, I was

speaking facetiously; we cannot ban WITCO or Philip Morris nor their products from Trinidad and Tobago. The hon. Minister of Trade and Industry is looking at me because she knows in our present commercial environment that would be an impossibility, but I wish we could do that in the interest of saving lives. Because as the hon. Minister of Health knows, non-communicable diseases are such an onerous burden on taxpayers in Trinidad and Tobago and smoking and lung-related cancer and lung-related issues are among the highest in terms of us carrying that burden.

So while I will support this Bill today because I do not see not supporting it as productive, I think it is important for us to realize that these posters, while commendable, are not going to have a very great effect because the new modalities for disseminating the information and the hooking of persons into the lifestyle of smoking are not posters on a cigarette package. It has to go through digital media, you have to go through pop culture and you have to have a sustained and wide-ranging and diverse modality for distribution of anti-smoking material and information before young people smoke. The message should be about cigarette companies want to hook you because they do not care if you die, once they get you. If they get you at 10 years old and keep you for 40 years they could make X million dollars off of you, they do not care about you. It is all about the money for them. Madam President, I thank you. [*Desk thumping*]

Madam President: The Minister of Foreign and Caricom Affairs. [*Desk thumping*]

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Madam President. Madam President, this debate takes me back to my days as a medical student not that long ago, just a few years ago when I

was at the Faculty of Medical Sciences and in Pathology the lecturer brought in a well-preserved lung of a healthy individual. This is in a Pathology class, and the lungs were beautiful. They were pink, and you know the phrase “In the pink of health”, very healthy looking tissue. And then for a dramatic effect he then had brought into the lecture room the lungs of a chronic smoker and, Madam President, the impact on the students that were present was very dramatic because these lungs were in stark contrast to the healthy ones just by way of visual appearance. They were charred, blackened, twisted, deformed, tumorous and clearly completely dysfunctional. And that sort of graphic impact certainly shook—it shook me; it shook many of my colleagues and served as a type of graphic warning against the effects of cigarette smoking on a chronic basis. And to some extent that is the kind of impact that is being sought every time an individual would approach, purchase, access and open a pack of cigarettes; the same type of impact is being sought.

Madam President, we get the stories time and time again when the topic turns to cigarette smoking. You will always have an individual—I have had friends who would tell me the familiar story, “Oh, my grandfather smoked for 80 years and he never got sick. My grandmother was a chronic smoker in Mayaro”—or wherever—“Barrackpore, Carenage and she never got lung cancer, she died of old age”, as people tend to refer to it, whatever that might be, and sometimes that is just a symptom of ignorance, a lack of information and other times it is a case of persons who might be already addicted to nicotine, finding ways to dance around the reality of serious illness and serious consequence by way of mortality and morbidity due to cigarette smoking.

So it is really poor logic and sometimes it is a lack of understanding of statistics and probability. And I always respond by, you know, you can run across a

highway blindfolded every day of your life and survive; that might be possible depending on the highway, but that does not mean if people are doing it on a consistent basis across our society they would be free from consequence and the global statistics, the regional statistics and the national statistics are crystal clear. Some of them have already been presented by the hon. Minister of Health and also referred to by Sen. Richards. The statistics do not leave any room for doubt and debate and which is why every single country in the world has taken some form of legislative action to restrict the dominance that the tobacco industry has had over the population of the world for many, many decades and unfortunately the human race has paid a terrible toll for that kind of unfettered access to the minds and lungs of humanity.

Madam President, you do not really require a law for some people to know that smoking is a bad idea. I heard the example of the Minister of Health, I can report to the Senate that I myself have never touched a lighted cigarette in my life and from very small I made that a personal policy. So my friends would smoke, some of my colleagues would smoke; I have had professors who would smoke, even those who are surgeons, thoracic surgeons who would be entering a diseased lungs as part of their job. Sometimes they would become addicted to cigarette smoking. But for some of us we do not require a law but it is clear that at the population level consistent, significant, legislative and policy work has to be done and certainly is being done in Trinidad and Tobago. It is being done across the Caribbean region in many of our Caricom member states and it is being done across the world as well. Yes, so there are many surgeons who smoke. There are pathologists who also smoke cigarettes but their experience should not be leaned upon by anyone as a comfort zone because they also pay the consequences

eventually.

So why is this happening, Madam President? Because it is considered to be macho in some circles to smoke. It is considered to be cool. It is certainly addictive. And then some persons have the attitude, “Well, I am going to die anyway”, so, you know, this is just another cause of death. And I took note that some of the labels that are brought, the graphic warnings brought by the Minister of Health are designed to combat some of these delusions and delusions that people sometimes carry into their interaction with tobacco smoking. This thing about, “I am going to die anyway”, we need to reinforce and we are reinforcing as a Senate here today the fact that death due to the chronic effects of cigarette smoking is not a pleasant way to go at all. If there is any—I do not know if there is a pleasant way to go, I could be advised, but I can tell you there are some extremely unpleasant ways and the slow and painful death due to chronic smoking of cigarettes as brought home by these graphic warnings is something that should give cause for pause to all of us and the research has told us that these graphic warnings do produce results by way of behaviour change.

So we are not operating on guess work here at all, Madam President. And the thing is, as the Minister of Health has said, and I want to re-emphasize, we all pay a price. So it is not just the smokers who are paying a price, they are paying a price by purchasing cigarettes in the first instance which is very expensive on an annual basis; they are paying a price by the disease burden but society is also paying a price via second and third-hand smoke and also because in our country we have access to free health care, and “free” is in quotation marks because we all pay a price for the treatment of cigarette-related morbidity, Madam President. So I have said it, I personally may not require a law but societies definitely benefit from

anti-smoking laws and the relevant legislation is certainly essential.

I do not want to spend too much time on Sen. Mark and his cameo appearance in this debate but I have to give him a little bit of attention, Madam President, just a little bit because Sen. Mark made a few very interesting assertions. And by way of treating with what he said, I want, Madam President, to thank our Caricom colleagues, our fellow member states of Caricom for their swift response in the affirmative to the request of Trinidad and Tobago for the use of the regional graphic warnings. Trinidad and Tobago has been given that permission, as indicated by the Minister of Health, to go ahead and use the regional graphic warnings, but I listened to Sen. Mark and he does not seem at all comforted by this and he told the Senate that he wants us to go further afield.

He seems to think that some other international body could do a better job in delivering graphic warnings to the people of Trinidad and Tobago and that somehow we in the region should be dependent on the First World or developed countries for graphic warnings or that somehow we are inadequate or incapable of designing proper behaviour change communication modalities within Caricom itself and I took that, Madam President, as an affront. I am proud to say, as a proud citizen of Caricom, that Sen. Mark is wrong. He is completely wrong in that regard. [*Desk thumping*] The images that are available presented under these regulations and that will soon be available to the citizens of Trinidad and Tobago as graphic warning are of the highest standard, are fully compatible with WHO standards and are, most importantly, available to us.

The Minister of Health explained that we painstakingly approached the European Commission seeking the use of these so-called “developed world graphic images” and we were denied. Sen. Mark wants to send us off on another expedition

when in fact we have these high standard graphic warnings which are available here, highly effective which treat with all of the key points that are recommended, including the fact that smoking causes ageing. It is a billion-dollar industry to reverse or conceal the effects of ageing, but there are people among us who are spending money to look older faster and probably they are spending at the same time on anti-ageing products, just throwing away money. That is a graphic warning and that is certainly for women and also for men.

That is a very powerful image to be presented and then we deal with things like gangrene, the fact that you are killing your children, you are killing our children; you are trying to kill my children as well via second and third-hand smoke. The issue of mouth cancer, I have had a colleague who died of mouth cancer, Madam President, and so again, I do not need a graphic warning for that, I had the first-hand visual and it is horrific. Again, this thing about, “We have to die anyway”, there are different ways to go and this certainly—the effects of cigarette smoking.

And then what about impotence, not a word that we shout much in the Chamber but these warnings are well placed because cigarette smoking leads to peripheral vascular disease and particularly to impotence. That is a very powerful and graphic motivation that has led in other countries and will be lead in our scenario to a reduction in the initiation of smoking and also reduction in frequency among those who are already smoking. So I really wanted to respond to Sen. Mark in that sense, and then he also came with a bit of a defeatist—it is not unfamiliar to us, Madam President, but a very defeatist sort of thing. So on one hand he tends to speak as a patriot and a revolutionary and on the other, when we have an advancement, something that we can be proud of as a society, the Senator adopts a

very defeatist and negative mentality in his contribution, basically saying that there is nothing else to show. There is a lot to show in terms of the anti-tobacco work of successive administrations, as Minister Deyalsingh has said, the Minister of Health has said and he congratulated all and sundry on the work that has been done across administration.

Right now we cannot smoke on the premises of the Parliament; that was not always the case, Madam President. That was not always the case. You cannot smoke in public places, you cannot smoke in a bar, you cannot smoke in a club, you cannot smoke in or around a school; it was not always like that so do not come here and pretend that this is the first time the Parliament is treating with tobacco use. That is—how could I say, can I say, “dishonest”? That is not the full picture and the people of this country deserve a more comprehensive and honest appraisal of the work that has been done and the work that is being done, because believe it or not we have an opportunity to make a contribution to this very important effort here today, Madam President. And I am proud to join with the Minister of Health and colleagues across the Senate in contributing to this very important step of progress. And then there was the question—I said I do not want to spend too much time on Sen. Mark but it is an opportunity to introduce some more facts into the discourse.

Then there is the question where he said, “Well, people do not have any opportunities to step down. There are no programmes”; again, so you sit down, you do not do the research, you do not ask questions of any of the stakeholders but you come into the Senate where you have the ear of the population and you—

Madam President: Minister, you have five more minutes.

Sen. The Hon. Dr. A. Browne: Thank you—and you throw this blanket, this

rhetoric of negativity, “Well, there is nothing else going on. There are no step-down programmes.” Madam President, I am proud to tell the Senate and pleased to tell the Senate that there is extensive working taking place within the Ministry of Health and the wider health sector in this country focused on reduction of tobacco use in Trinidad, extensive work being done, Madam President. [*Desk thumping*]

The Tobacco Control Unit, again aspersions were cast against these hard working officers have been facilitating workshops; 31 Public Health Inspectors have been trained. This month that type of training is ongoing to help them to carry out their authority under the Tobacco Control Act and to assist them in preparation for the rolling out of all of these regulations. So it is not a case of waiting even until the regulations are approved by the Senate before the training of key stakeholders has been occurring. The unit has also been doing outreach sessions in schools and workplaces across Trinidad and Tobago. Well, now with COVID-19 even online platforms are now being utilized. So again there is good thinking, there is intelligent, advanced thinking taking place within the Ministry of Health and involving other key stakeholders.

We cannot have this debate without saluting the work of the Trinidad and Tobago Cancer Society and other hard workers out there, all of whom are contributing to a national effort which we can be proud of and against all it appears that Sen. Mark has been throwing some aspersions of inactivity or a lack of work. And then of course there is no need to say that in the Senator’s recounting of the history he appeared to say that this has taken too long and skipped blithely over a full recent five-year term in which an administration of which he was a part was in control of the Government, in control of the Ministry of Health and failed to bring

workable regulations for the people of Trinidad and Tobago under the Tobacco Control Act. So he skipped blithely over that with gymnastic ease, Madam President.

So that being said there are a few other points that I wish to insert into the debate. We are clear by now at this point on the effects of tobacco use. We are clear on the statistics so I will not get into that, Madam President, but maybe a little more on second hand smoke and third-hand smoke. Second hand smoke, according to the World Health Organization is linked to a wide range of health outcomes that are negative, respiratory infections, ischemic heart disease, lung cancer of course and asthma, something we do not talk about enough; the link between smoking and asthma, the link between second hand smoke and asthma and then the effect of the third-hand smoke which is smoke residue that is on surfaces, interior surfaces, et cetera. You get into a taxi—you cannot smoke there now but before these advances were made, third-hand smoke was all around us and we would be taking it home on our clothing and affecting our family members, our pregnant wives and other family members, our children, our infants, our babies and even the unborn, Madam President.

So this work, I do not want us to underestimate the work that is being done and, most importantly, the work that we can contribute to by our participation in a vote in support of this Motion here this afternoon. Studies of around the world in various populations, not just in the so-called European scenario, in populations of colours as well have demonstrated that graphic warnings do work. They reduce interest in starting to smoke and they reduce interest in frequently smoking even by smokers so they can reduce the frequency of inhalation of all these thousands of dangerous chemicals. They protect persons as well with pre-existing conditions.

Tobacco Control (Amendment) (cont'd)
 Regulations, 2019
 Sen. The Hon. Dr. A. Browne (cont'd)

2021.02.09

These are the effects of graphic warnings, protect people with pre-existing conditions such as asthma and many others, and of course they protect babies, both the born babies and the unborn babies.

So, Madam President, where does all of this lead us in this Chamber, in just my last few seconds, let me just too, I would say three things; one, lead by example. The foolish videos of public officials smoking all sorts of substances—

Madam President: Minister—

Sen. The Hon. Dr. A. Browne:—we should never see that in this country. That has no place in public life in Trinidad and Tobago—

Madam President: Minister, your time has expired.

Sen. The Hon. Dr. A. Browne: Lead by example and I expect, Madam President—

Madam President: Minister—

Sen. The Hon. Dr. A. Browne:—tripartisan support in the Senate for these regulations. [*Desk thumping*]

Madam President: Sen. Lyder. [*Desk thumping*]

Sen. Damian Lyder: Thank you, Madam President. Madam President, we are called here to the Senate today and asked by the Government to pass by affirmative resolution the Tobacco Control Regulations, so therefore I wish to add my context to this, Madam President. And, Madam President, I indeed wish we had a bit more time to research this, such an important and sensitive issue because to me this is actually a very sentimental debate here today, having a very close family member who has suffered from the effects of lifelong tobacco use and who has now minor emphysema and having to sleep with an oxygen mask on his face. I too understand the effects of tobacco or the possible effects of tobacco or abuse of tobacco. So,

Madam President, in the little time that I had to research I was able to review the policy of enforcing graphic health warnings and that it has spread globally based on the Framework Convention on Tobacco Control.

This policy has shown some impact of these warnings on preventative effect of adolescent smoking, the inducement of smokers to quit, reduction in the amount of tobacco smoked and reduction in smoking rates. And, Madam President, the introduction of graphic warnings may induce smokers to quit smoking and thus may lower tobacco consumption in the immediate period after the implementation. And this has been the case, Madam President, when I looked at the studies done in Canada where, for example, smoking cessation motivation is reported to have increased among half the smokers since the adoption of these warnings. But, Madam President, what we have also seen in the research is that warnings appear to lose some but not all of their impact over a period of time. You see, Madam President, smokers get used to seeing them on the packs. You know, the curve may start back increasing back to previous levels. We become almost immune to these graphics. Again, I am not knocking the graphics but I am saying that it shows that over a period of time, we become immune.

Madam President, even though the motivation and the intention to quit is important, graphical warnings stop short of obtaining the purported effects of quitting.

3.20 p.m.

From another bit of research we have looked at in Australian studies, for example, showed that the peak levels of response to warnings is in the period immediately after the introduction onto the packs. However, there is some decline in the cognitive response as consumers become used to seeing the images on these

packs. You see, these warnings contribute to the curbing of smoking, but they cannot be considered the only tool. Yes, they are a tool in the arsenal. Increasing the taxation on the cigarettes may be a tool, although it may promote illicit importation of cigarettes, but it is only one tool in an arsenal that the Government should bring to the table.

In very much the same way in December we saw so many amendments, so many changes, so many regulations brought, we would have expected to see a barrage of tools presented here today. But we are here debating these Regulations showing these pictures.

I also want to state, that aside from the regulatory standpoint, having another plus with using these pictures is having specific graphic health warnings also support in the fight against the illicit trade of these types of products, because it makes it easier for the authorities to identify legal products versus illegal products in the trade. Having said this, we have to bear in mind that like any other business there are inventories of this packaging and of these products that are available already in the country, and also thinking about this, we know that it generally takes a lot of time to change out packaging.

Now, I heard the Minister of Health speak towards the grace period for the packaging requirements, and let me say that I agree with the length of time of the grace period of one year. In the manufacturing industry—if the Minister of Trade and Industry was here with me today she would also agree that it can take between 10 months to a year to be able to deplete and change out packaging. So in that respect I would have to agree respectfully with the hon. Minister that the grace period is indeed, sufficient. [*Desk thumping*]

Because, Madam President, the other issue we have to understand is that if

we did not have this grace period, we would not have given the trade sufficient advanced notice about this packaging regime, and it may have served to boost the illicit trade in this country. Even though I am hearing the thumping on the other side about the time, the other side must also know that there is a huge illicit trade in this country currently today. It has increased over the last five years, and specifically after the raise in taxes, and we see it even more so with the porous borders.

When we have this illicit trade, why we must understand the importance of the illicit trade, this scenario increases the health risk to individuals, as the illegal products are not subject to the rigor of the product testing that the legal importers, or the legal manufacturers, go through. So it is important that we look towards the illicit trade also while we talk about this debate.

Moreover, Madam President, the illicit trade of cigarettes which appears to be increasing almost tenfold in Trinidad and Tobago after increase in taxes, has consequences beyond the health of smokers. These contraband items are traded outside the scope of the law. Their handlers do not pay the import duties nor local sales taxes. Trade in this contraband therefore affects government income through tax evasion. It is also important to note that since illicit trade of cigarettes is an illegal activity, the revenue generated feeds criminal activities such as money laundering. So I thought I would have heard something about illicit trade as well, not simply these Regulations. But the purpose of the legislation was to curb smoking, and because the purpose of the Regulations is to reduce smoking, then it is imperative that we examine the statistics.

If I may read, the World Health Organization, WHO, has indicated that there are approximately 1.1billion smokers in the world. This number is expected to

remain relatively unchanged well into another decade. Madam President, reportedly there are up to close to 300,000 smokers in Trinidad and Tobago. Thus, we have an obligation to roll out a system that considers scientific-based decision-making, so that we curb the smoking pandemic. Let me repeat what Sen. Mark said: We are the highest per capita smokers in the Caribbean region. So we should be taking this a lot more seriously and acting a lot faster than we are right now.

Madam President, if you allow me to read again some findings from 2018, PAHO and WHO Caricom report on tobacco. In August 2018, in a concept note, the Pan American Health Organization stated that:

“Tobacco control efforts in...(CARICOM)...”—were—

“...progressing at a very slow pace. Of the fourteen countries that are Member States of the Pan American Health Organization/World Health Organization...As of December 2017:

- Two countries (Guyana and Suriname) had a complete ban on the advertising, promotion, and sponsorship;”

We did not see T&T listed there.

“• One country (Jamaica) offered national comprehensive services on cessation of tobacco use;”

Did not see Trinidad listed there:

“• One country (Barbados) had recent and representative data for both adults and youth;”

Maybe the Minister may have this data; it would be interesting to hear that data.

Did not see it there:

“• Although some countries had raised excise taxes on tobacco, no country had achieved the WHO recommended level.”

So from a Caricom perspective, the Caricom is showing the least progress, and of the six countries that have fully implemented three of the four WHO best buys for tobacco control in Latin American and the Caribbean, only one, Guyana, is a Caricom country. Hopefully the Minister may have some updated statistics that he could share with us. But being a country that has the highest per capita of smokers in the region, I would have expected Trinidad and Tobago to feature prominently here.

But, Madam President, as we come back to the pictorial warnings and curbing of smoking. The WHO key facts on tobacco highlights that pictorial warnings significantly increase people's awareness of the dangers of tobacco use. However, there is no real evidence that this directly results in smokers quitting. WHO also underlines that few people understand the specific health risks of tobacco use.

So, Madam President, professional support and proven cessation of attempts to quit tobacco will succeed. Professional support and proven cessation medications can more than double a tobacco user's chance of successfully quitting. New avenues based on scientific evidence on tobacco harm reduction need to open up and help the smokers who cannot or do not want to quit smoking in the near future, preventing at the same time youth initiation.

I heard Sen. Richards speak about advertising or promoting this cessation on social media, and this is something that we are not seeing. Sen. Richards spoke about 80 per cent of those persons who started smoking are still addicted today, but yet social media and other forms of media, we are not seeing this form of advertising against the ills of smoking.

I heard the hon. Minister speak about the Tobacco Control Unit and the

Cessation Unit. I heard Sen. Mark ask about who is the person that made it up and what were they doing. I have to say respectfully to the hon. Minister, I live in the same country as he does, and I do not see the activity, the robust activity coming out of this unit. Maybe there are some plans coming forward, which I guess in his wrap-up we would like to hear about it. But simply passing Regulations with pictures on boxes of cigarettes will not do the trick by itself.

We have an obligation to protect our citizens and inform them correctly about the hazards of continuing smoking with graphical health warnings, that we are aiming to approve. But taking into consideration that these warnings serve only with a minimum to medium effect, we must not forget that even with this prevention as cessation pillars of our tobacco policy, a large proportion of the population has not been able to drop the habit.

So we do have a number of smokers, that despite the labelling, despite the education and despite knowing or being educated about the harmful effects of smoking, they simply do not want to give it up. They are addicted. I have seen my family member addicted, trying to break from these chains.

So it is important that we consider as a nation a third pillar here. We have an obligation to provide citizens that wish to continue to consume nicotine products, with alternatives that do not generate combustion because it is the combustion in the cigarette that causes the bad health. It is the combustion when we light that cigarette and hit that tobacco, that the 4,000 chemicals that the hon. Minister rightfully spoke about, affect us. It is combustion. So we need these alternatives that do not generate combustion, and reduce the risk of exposure to the disease as part of a tobacco harm-reduction strategy.

This has been successfully implemented in countries such as the United

Kingdom, New Zealand, France, and can be available in Trinidad and Tobago. I think the Minister did indicate that he would be speaking about some of these alternatives in the wrap-up, so I look forward to hearing what is the plan coming from the hon. Minister.

Madam President, Public Health England maintains that vaping, for instance, is 95 per cent less harmful than smoking. In the Netherlands, and in the US the FDA authorized the—

Madam President: Sen. Lyder, you have five more minutes.

Sen. D. Lyder: Thank you, Madam President. In the Netherlands—and the FDA authorized the marketing of something called IQOS tobacco heating system which, again, reduces the exposure of the effects. But I would assume that the Minister would have to pass special permission to bring these products in. This is a heated device that heats the tobacco, and does not bring combustion.

So, Madam President, I look forward, as I said, to listening to the Minister's wrap-up. But it would be remiss of me, if I did not bring up a point that is very relevant and pertinent today, and that is smoking and the COVID-19 virus. Again, I know that the COVID-19 is a very recent feature around the world now. This pandemic we are all uncertain about it. So, maybe in the wrap-up the Minister may also be able to report if there is any evidence that is showing any link between the COVID-19 mortality and cigarette smokers in Trinidad and Tobago, or in anywhere else in the world, if that has been done at this point.

So, while the literature of COVID-19 points to some alleviation of persons who refrain from smoking, it is not necessarily conclusive. One reason, as I said, was because of the recent nature of COVID.

Madam President, but let me state for this House that in a journal article, if I

may read, published in the *International Journal of Molecular Sciences* titled “Smoking and COVID-19: Adding Fuel to the Flame”, Vivek Kashyap et al, from South Texas Center of Excellence in Cancer Research, School of Medicine at the University of Texas, concluded, and I quote:

“The current...finding suggests that active smoking is associated with an increased severity of disease and death in hospitalized COVID-19 patients.”

They did state, however, that where the empirics are concerned:

“The effects of smoking on COVID-19 are currently”—somewhat—
“controversial.”

Hence the reason why I asked the Minister if he has any information on this. But they do note that in general:

“Tobacco smoking is a major known risk factor for severe illness and even death from many respiratory infections.”

Therefore, the question is, if the Government has information that smokers are at high risk of death should they contract the COVID-19, then this information should be passed on to the population.

We notice that there has been this reduction in the messaging from 12 to eight, and the Minister has given the reason why that this happened. I know that we have signed on to the Caricom convention, the reason why we could use these pictures. But I am merely asking that if we do have any conclusive evidence whether Trinidad and Tobago being the highest per capita smokers in the Caribbean, should be lobbying our Caricom partners to put some sort of COVID-19 messaging as it pertains to these Regulations. I am simply asking; the Minister may be able to clarify that for us.

So, Madam President, I see that I am running out of time. I simply want to

state that if I had a lot more time I wanted to talk about the enforcement of Regulations, but I heard Sen. Mark speak somewhat about it. I read that in the police service and Customs and Excise Division they would be enforcing the Regulations. I would like to know if there is a regulation unit inside of there—a regulation unit that is going to be put here to deal with these new Regulations. If so, why is it then that we have so much illicit trade of cigarettes in this country? Is it that the unit is being ineffective at this point in time? I would like to know. If so, is the unit going to be improved in time to ensure that these Regulations are adhered to?

As it is right now, I can drive to the length and breadth of this country, and I could purchase cigarettes that I know have come through the illicit trade. You see it out there. With our porous borders, there is no telling how much of these cigarettes are floating around.

So with those few words, Madam President, I look forward to the response of the Minister in his wrap-up. I thank you very much.

Madam President: Sen. Dillon-Remy.

Sen. Dr. Maria Dillon-Remy: Madam President, I am thankful for the opportunity to contribute to the debate on the Tobacco Control (Amendment) Regulations, 2019.

Tobacco has attractively high rates of consumerism but is deadly to human life. According to the World Health Organization's website, tobacco is a leading cause of death, illness and impoverishment. It kills up to half of its users which amounts to more than eight million people each year. More than seven million of those deaths are a result of direct tobacco use, while about 1.2million are the result of non-smokers being exposed to second hand smoke.

The WHO further warns that all forms of tobacco are harmful and there is no safe level of exposure to tobacco. Tobacco use contributes to poverty by diverting household spending from basic needs, such as food and shelter, to tobacco. Additionally, the economic costs of tobacco use are substantial and include significant health care costs for treating the diseases caused by tobacco use, as well as the loss of human capital that results from tobacco attributed mortality and morbidity.

The Minister would have talked about some of the ill effects of the use of tobacco as it affects the health care system. Noteworthy is the point made by the Hon. Colm Imbert and again by the Minister today. Minister Imbert in Parliament on November 09, 2020, while announcing tax hikes on tobacco, under the Provisional Collection of Taxes Order, 2020, stated that it costs \$500,000 to treat one lung cancer patient, and that is cancer alone. There are so many other diseases associated with cigarette use, including cardiovascular diseases, diabetes, et cetera, many of the things that are already mentioned by previous speakers. So the Government, therefore, decided for health reasons to continue with the system of de-incentivizing smoking by increasing taxation.

The Minister has already informed us about the 600-plus deaths from lung cancer over a four-year period of 2013 to 2017. The Global School-based Student Health Survey of 2017 in Trinidad and Tobago showed that 13.7 per cent, almost 14 per cent of students between the ages of 13 to 17, were in current use of tobacco—14 per cent of children between 13 to 17 years old.

Minister mentioned about his experience and exposure to tobacco use in primary school. So it is something that is happening, and it is something that is happening at a level that we are not prepared for, because consistent use of tobacco

over years has significant impact.

With the devastating effects of tobacco use, the WHO calls for effective surveillance of the tobacco epidemic and key measures to be taken to reduce the demand for tobacco. One such effort is the pictorial health warnings to increase the awareness of the harms of tobacco use. This brings me to the Tobacco Control (Amendment) Regulations, 2019 that is before us now.

The proposed amendments seek to eliminate images and health messages nine and 10 in Set A, and nine to 12 in Set B, all contained in the Regulations. The Minister explained why the need for the change in the images, and the reason for moving from what they had there now, to the database from Caricom.

As I was looking at these images, Madam President and Minister, I remember the early days of HIV, when people were clamouring for the use of pictorial images of persons who were dying of AIDS, and wanting to plaster those images over the screen so that people could see the images and, therefore, prevent themselves becoming HIV positive. In other words, take measures to prevent being HIV positive. But the thing about any addicting substance is that after a while, as Sen. Lyder just mentioned, the images do not impact as much anymore, and particularly with young people. They would look at that and say—so as much as the images are important to be put, and it is in keeping with what the WHO recommends, I am just saying that we really need to look at additional measures, given the addictive nature of the substance nicotine.

On the same point of necessary and appropriate health measures, WHO mentioned that first-time tobacco smoking and exposure to second hand tobacco smoke causes serious cardiovascular and respiratory diseases. According to a news release by the WHO in the World Heart Federation and the University of

Newcastle, Australia, on 29 September, 2020, they said 1.9 million people die every year from tobacco-induced heart disease.

In reviewing the messages proposed to be taken out, I was not too sure if there were any specific measures that dealt with the cardiovascular diseases. I did not see images. I know we had related to the lungs, impotence and stuff like that, but I did not see specific images that relate to the heart. But that is a significant part of the picture, as far as the WHO recommendations for the cardiovascular diseases, in terms of prevention.

Madam President, the Tobacco Control Act has done a very good job of implementing the WHO's suggested strategies to highlight the effects of and reduce the demand for tobacco. Part III of the Tobacco Control Act makes provisions for non-smoking areas, and details prohibitions regarding sales by minors, the use of children to buy tobacco products, self-service displays, public displays, self-service sales of tobacco products, sales of tobacco products, sale of tobacco products in certain places, toy or candy cigarettes, tobacco advertising, incentive promotions and free supply of tobacco and sponsorship.

Furthermore, Part IV lists the specifications related to packaging, labelling, with the aim to promote more awareness of the dangers and lower consumption of tobacco, which is what we are dealing with here today.

The same news release of WHO dated 29 September, 2020, talked about, and I quote:

“Given the current level of evidence on tobacco and cardiovascular health and the health benefits of quitting smoking, failing to offer cessation services to patients with heart disease could be considered clinical malpractice or negligence. Cardiology societies should train their members

in smoking cessation, as well as to promote and even drive tobacco control advocacy efforts,'...”

This was said by Dr. Eduardo Bianco, Chair of the World Heart Federation Tobacco Expert Group.

I therefore note some measures that have been taken by the Southwest Regional Health Authority's primary care department, to assist persons to quit smoking. They launched three smoking cessation clinics at the C3 Centre on July 31, 2019, aimed at assisting persons in desiring to quit this habit. These smoking cessation services were being operated by specially trained staff at the Couva District Health Facility, Siparia District Health Facility and the Indian Walk Health Centre.

In 2020, the Government took another dagger to the problem by implementing the 20 per cent tax increases in excise duty respectively on local and regional tobacco products.

Madam President, despite all these efforts and measures, it saddens me to hear that the statistics from our population are still very high, and especially among the young people. It therefore begs the question, what more needs to be done. I note that this particular regulation deals mainly with this provision for the images on the cigarette packaging but we really have to look—and I agree with other presenters—for other means of helping to decrease the cigarette smoking.

Mentioned before is the epidemic that is now growing in our persons in terms of e-cigarettes. I note the Minister had said that he would deal with it after. I would just like to mention, there was an article that was presented in the *European Medical Journal* on 26 October, 2017. This paper was as a result of a study done by authors Rayshell Dhandoolal et al, from the Faculty of the University of the

West Indies Medical Sciences, and the Faculty of Natural Sciences, where they looked at the evidence concerning electronic cigarettes. The study examined the prevalence and associated factors of e-cigarettes using young Trinidadian adults. This was done six years after e-cigarettes were introduced into Trinidad.

They surveyed about 777 young adults between the ages of 18 and 40, and they found that the prevalence of those who had used e-cigarettes was about 25 per cent, and 41 per cent of those people had used both e-cigarettes and tobacco cigarettes.

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<https://www.who.int/news/item/22-09-2020-tobacco-responsible-for-20-of-deaths-from-coronary-heart-disease>

3.50 p.m.

So males were twice likely as females to have used e-cigarettes, and the participants aged 18 to 25 were more likely than those 18—ages 36 to 40 to use e-cigarettes. So the e-cigarettes issue as mentioned before must be considered as a part of what we are doing now. They also recommended that they needed more longitudinal studies to confirm the findings and to explore practices of the e-cigarette use in the population.

As far as dealing with the illicit trade, I remember on the 12th of January, 2021, Sen. Gopee-Scoon spoke to the matter as she talked about targeting the products traded by illicit means which included tobacco. She stated that there was a comprehensive action plan to be submitted to the Cabinet in the quarter of the fiscal year 2021—in the quarter of the fiscal year 2021, and that would be accompanied by a robust consumer education campaign.

She also underscored that there will be continued implementation of the WTO agreement on trade facilitation, as well the establishment of an illicit trade task force to increase awareness and to tackle the illicit trade that deals with, what Members have been talking about in terms of the illicit trade of tobacco in Trinidad and Tobago. So there is an effort there to address that matter.

Madam President, it is my prayer and hope that together we will be able to make a difference as far as this significant problem in our population is, and I do commend this particular effort but we know that much more needs to be done. I thank you. [*Desk thumping*]

Madam President: Minister of Trade and Industry. [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Madam President. I can say that this has turned out to be a

most emotive debate, everyone has had some kind of experience that they mentioned but, of course, it all is alluded to the seriousness of lung disease and the effects of smoking. I too have my own little story in that I would have developed asthma at a very young age and it bothered me from time to time as I grew up, particularly in my pregnancies and so on. But as I got older and I did develop serious pulmonary, I would say, a serious pulmonary condition so I am under the care of pulmonologist, and there is not a day that I can get by without medication, I just cannot make it. But the health care that is available is excellent and my daughter is also now a pulmonologist, so—not here but I am taken care of both here and aboard.

So it is a very serious debate. I do remember as a legislator this, the parent Act which is the Tobacco Control Act, 2009, that is the primary law regulating tobacco control in Trinidad and Tobago. It was a high point for me naturally as a patient, a pulmonary patient with lung concerns. This was a high point in my early days as a legislator. And so today, today Sen. Mark would have spoken first on his side and then, of course, since then Sen. Lyder and of course he would have rapped us for not being more up to date and he felt that we were coming very late and so on and he found great criticism with the way we have dealt with tobacco control under this Government.

And, of course, Sen. Lyder would have said that we should have—commented saying that we should have taken this thing more seriously and he talked about a third pillar we should have mentioned and that he certainly needed more time debating it. I find it quite fascinating that these kinds of criticisms would come from the Opposition because I can tell you, I do remember well in the House for that Tobacco Control Act in 2009, that it was not supported by the Opposition.

And I can you tell if I go back to—I actually have the record of it, and in the House the Bill was passed with 26 ayes, 26 persons for, but Members of the Opposition abstained. Dr. Hamza Rafeeq, he would have been the then—he would have actually in earlier days been a Minister of Health and Dr. Tim Gopeesingh also a medical doctor, Chandresh Sharma and Nizam Baksh abstained and did not give that Tobacco Control Bill their support. And I can tell you that when it went to the Senate the record, again, was not good by the Opposition in that 22 Members of the Government voted for the Bill and there were notable abstentions from the Chief Whip, Wade Mark. He did not support the Bill, he abstained and, of course, then Dr. Adesh Nanan, Kernahan, Members Rahaman, Oudit, Gopaul-McNichols. So I find it quite hypocritical that they have so much to say when the opportunity was there, the support was just not there from the Opposition. In fact, the Leader of the Opposition was not present for the vote.

So it was passed by a PNM Government and since then there was an abstention but, of course, when the UNC was in government, of course, I would give them that they brought the Tobacco Control Regulations but they were in power so they brought it. I can tell you it was passed in both Houses and it was supported by the PNM Opposition at the time in both Houses. And again, time and time again I can tell you that we have shown that, and we continue to show that we really do care about the well-being of citizens of Trinidad and Tobago and it does not matter which party brings legislation, once we recognize it is important and it has a positive impact on our citizens, we support. And that is the integrity of this great party, the PNM party who is in government at this time.

So here we are today to discuss the—and I can tell you, I do remember some of us, very few of us in this House Chamber would have been there. I think the

objection would be the constitutionality of the legislation insofar as the infringement on personal rights and there were those who felt it was draconian, and those were the cries in the Bill. As I said, I would not want to use the word hypocritical again. But here we are and the Minister of Health has brought these Regulations and I am really hoping that we would have support from both benches today.

So it is quite a simple Motion and actually—it is not very much to speak about it but I will respond to comments made by, I think, Sen. Mark in particular with the whole question of illicit trade. And, of course, he felt that he had no idea of how we were performing as a country, and I happened to pick up in my research, an article from the WHO so I have that I can speak to. But these Regulations really deal quite simply with packaging and labelling and therefore, if anything is going to be an improvement and it will provide some aid and some help assisting the issue, it is important as it is, so simple but equally important. And as I said relating to packaging and labelling and cigarettes dispensers—no, packaging and labelling to the actual box that we are—and that is what we will be talking here today.

And I want say again, there was a lot of discussion on the effects of tobacco. We all know the very harmful substances which cigarettes would contain. We know that there are quite a considerable amount of smokers right throughout the world but the question is, how do we deal with this? And as governments, that is the responsibility we have. And so that, we must use education and legislation to inform and to persuade persons to refrain from smoking and limit the areas, of course, in which smoking can occur.

And as I said, over the years there have been successive governments

bringing pieces of legislation to reduce the consumption but the primary Act coming from us in 2009. And, of course, the country had signed on in 2003, to WHO Framework Convention on Tobacco Control, better known as the WHO FCTC which was developed in response to the globalization of the tobacco epidemic and it really aims to tackle some of the causes of that epidemic.

The WHO FCTC has listed a number of provisions which if implemented would reduce the core demand of tobacco products, and these include price and tax measures to reduce the demand for tobacco, protection from exposure to tobacco smoke, regulation of the contents of tobacco products, regulation of tobacco products disclosures and packaging and labelling of tobacco products which is why we are here today, including, of course, education, communication, the whole question of illicit trade, it speaks to that as well, and sales to and by minors.

[MR. VICE-PRESIDENT *in the Chair*]

So I think our Tobacco Control Act has really sought to address all of these, quite a number of these recommendations from the WHO FCTC. And some of the key measures we have taken would include the smoke-free environments to reduce second hand smoke and the ban on tobacco advertising. Like our WITCO Desperadoes is no more, we know it as “the Desperadoes”, and even as “the Desperadoes”, they still continue to do very, very well but that whole notion is out of sight, out of mind so it works. The other measure is the increase in taxation and over the years it is interesting that we—that is the measure that we have used in an effort to control the use of tobacco. And, of course, the pictorial health warnings to combat consumption which is quite, quite, quite important and that is what we are dealing with today, all of these graphic health warnings with very hard-hitting messages which can persuade smokers to protect the health of non-smokers by not

smoking inside the home or increasing compliance with smoke-free laws and so on and, of course, combating illicit trade.

But before I go to combatting illicit trade, I spoke about this WHO Report on the Global Tobacco Epidemic which was done in 2019, and it is the country profile for all of those countries which have adopted measures with regard to controlling the use of tobacco. And I can tell you, looking at the—so I am going to just—it is impossible to go through the entire thing but I will tell you, I will pinpoint a few things. Looking at the national tobacco control programme as at 31 December, 2018, the question was whether there was specific national government objectives in tobacco control; yes, Trinidad, for us that is so. Whether there is a national agency or technical unit for tobacco control; yes, that is so. And then, of course, it went, it looked at smoke-free laws in public places and how we were doing where smoking is not permitted and so on, and it scored—it is actually scored from one to 10.

And with regard to health care facilities we scored a nine; educational facilities, except universities, an eight; government facilities, an eight; in-door offices and workplaces, a nine; restaurants, a 10; public transport, a 10. And so we have done pretty well in terms of protecting people from tobacco smoke in public spaces. And then, of course, it looked very specifically at health warnings on tobacco packages.

And, again, as at 2018, I think that Trinidad and Tobago was almost fully compliant and so it looked at the question of whether the law mandates that health warnings appear on tobacco packages, yes. What percentage of the principle display areas at the front of the packaging is legally mandated to be covered by health warnings? Fifty per cent as prescribed?—yes, we were there as well. And

does the law mandate font style, font size and colourful packaging warnings? Certainly, yes. Are the health warnings rotating on packages? Certainly, yes. Are the health warnings on packages written in the principle language of the country? English, yes. Does the law require that health warnings on packages are not obscured in any way?—et cetera. We were there as well. Do the health warnings on packages include a photograph or graphic design? Certainly, yes. Do health warnings appear on each package and any outside packaging and labelling used in the retail sale? Yes again. So that, I mean, I can go on and on. We have done very well and I want to say that we were largely compliant with this survey which was done by the WHO in 2019, looking at our 2018 status, so Trinidad and Tobago scored well.

They also looked at enforcement with regard to bans on tobacco advertising and promotion on sponsorship so therefore, with regard to national TV and radio, our compliance level was at 10 being the best rating. On billboards and outdoor advertising, a rating of 10 as well. Compliance score of direct bans, an eight. Appearance of tobacco brands on TV and so on, nine. So generally Trinidad and Tobago fared well, and here we are again updating our packaging regulations.

So I know that as Minister of Trade and Industry I have responsibility for trade and that includes illicit trade. I would have spoken on the matter sometime in the House and I want to speak to it, again. Sen. Mark brought it up and Sen. Dillon-Remy made reference to it but I think it is very important that I speak to it particularly with reference to illicit trade of tobacco products.

So, of course, illicit trade in the local industry is unregulated as it is, that is it. So it is a big concern to us. We know what illicit trade is. It is any practice or conduct that is prohibited by law which relates to production, shipment, receipt,

possession, distributing, sale—distribution, sale, purchase of products and so on. It takes the form of contraband goods, counterfeiting, contamination of products, piracy, tax evasion and so on. It really affects everyone including the smokers but also the Government as well. It really undermines legitimate local business and manufacturers because they are, in fact, deprived of sales. And, of course, it results in the loss of significant tax revenue to government when traded through illegal channels and it, of course, it exposes consumers to potential health risks from very substandard products. Usually these—

Mr. Vice-President: Minister, you have five more minutes.

Sen. The Hon. P. Gopee-Scoon: Yeah. Thank you. And usually these, I mean, these products are coming and they go unnoticed and it is a very serious issue and more often than not, if you look at the labels, some of it is in Chinese so therefore, the labelling is totally ineffective, and all of the requirements which have been legislated in terms of packaging, it is not satisfied at all. So it is a very, very, very serious matter.

Sen. Mark had asked for statistics. It is estimated that illegally traded cigarettes constitute 5 to 10 per cent of the local market and that is a WITCO statement; that is quite substantial. Laurent, the managing director of WITCO in an article dated August 17, 2020, entitled “Illicit trade in Tobacco - A societal issue”, he said in that and I think he would have referenced some information from the Ministry of Finance in 2017, that at that time it is estimated that TT \$10million was foregone in tax revenue.

And I looked also in my research at an OECD 2020 study relating to loss of government revenue from uncollected taxes on illicit tobacco. It is estimated that 2020 could have had an estimated \$30million forgone in tax revenue. So you are

looking at tax revenue between 2017, 2020, and you are talking about \$30 million. And I mean, I know the first thing of importance, the first matter of importance is the health of the person. But I am also looking at the revenue foregone which is \$30 million between 2017 and 2020; an additional \$20 million in revenue foregone. So it is very, very important and of course the Government has outlined several actions to deal with illicit trade in its national policy in terms of tasking Ministries and border agencies to take immediate action to increase their surveillance of retail operations and also to facilitate consumer education on the responsible consumption of products.

I had said before and Sen. Dillon-Remy had referenced my initial conversation on this, that we are in the Ministry of Trade and Industry spearheading Government's efforts to combat illicit trade, and yes, a comprehensive action plan is almost ready which will address this issue, and that the actions will include strengthening the capacity of regulatory and enforcement agencies to detect illicit trade and enforce necessary penalties, modernizing the legislation. We will make legislative recommendations and, of course, enforcing national standards for affected products and in that regard working with CROSQ and, of course, increasing as well consumer awareness followed by a very targeted approach, prioritizing those products which are most frequently traded by illicit means in Trinidad and Tobago.

So it is going to be a collaborative effort between Government, all of the necessary agencies and the private sector. I congratulate the TTPS on the work done so far and also the Trinidad and Tobago Manufacturers' Association who has, in fact—they have at this time an illicit trade desk and they are taking it seriously. We intend to work with all parties to ensure that illicit trade is stamped out.

I have to close, I know my time is up. So, Mr. Vice-President, this is the amendments before us. It is just yet another mechanism to align ourselves with the commitments that the WHO FCTC treaty and, of course, Caricom CROSQ measures and to recommit ourselves to reducing the consumption of tobacco products. Again, I take responsibility as the Minister of Trade and Industry for dealing with this thorn in the economy, the illicit trade of tobacco and I hope to be able to come back to the House to report on all of the solutions therein when the matter has been passed as a policy before Cabinet. Thank you very much. [*Desk thumping*]

Mr. Vice-President: Sen. Nakhid. [*Desk thumping*]

Sen. David Nakhid: Mr. Vice-President, I would like to thank you for the opportunity to contribute to the Tobacco Control (Amendment) Regulations brought by the hon. Minister of Health. First of all let me state that I do not think that anyone in this House in this Senate is opposed or will be opposed to improving the health of this country. So I did not understand the contribution of Sen. Browne, the Minister of Foreign and Caricom Affairs, in picking a fight with what Sen. Mark alluded to which was not necessarily the images themselves but the amount of time spent in getting those images and in moving this process forward. You know, this is not a complicated Bill. I think everyone agrees in principle with it but I would like to ask the hon. Minister of Health if the only viewpoint looked at it was the actual smoking, the actual tobacco smoking.

Were any studies done insofar as the actual WITCO factory and the effects that it had on that community? And I will tell you why, because that is also part of tobacco control, it is the environment and I think it is almost—and I have here the last rigorous estimate in 1995, the industry, the cigarette factory industry produced

more than 2.5 million tonnes of manufacturing waste, nicotine and other dangerous chemicals.

So I would like to know if it was just a narrow examination of this tobacco control on a point of view of smoking and the by-products of smoking and so. And a lot of my colleagues on my side, my Senate colleagues, they thought that I was reluctant to speak on this because I was very preoccupied with what the state of the country as it is right now—and no it was not. The reason that I was reluctant is that, I know in the course of my research it would have brought up some memories that were very close to me and some anecdotal evidence that I think should serve us well.

So I would like to pose to this Senate, given that we have heard all these testimonies as to the dangers of smoking and the effects that they have on our society and on our youths and everything, that if I said to this Chamber that we have an industry, and Sen. Richards he came close to it and then he stopped, he mentioned the Minister of Trade and Industry, that they were worried about employment and so. But if I said that you have an industry, for example, of upper-class drug lords who employed 200 people in their trade, 200, they employed them, they have employment but those 200 people killed 1,000 people. Would we allow it? I mean, they had 200 families being employed by upper-class drug lords. A term that the hon. Minister of Agriculture, Land and Fisheries would be familiar with. So let us say we had that, would we agree to that? Would we assent to that? Or would we say, no? For me it is the same and I think Sen. Richards alluded to that. We have an industry that kills people. It kills people. Should we then consider that we also employ people from that same industry that kills people? And I will come back to that.

I think, and I would like to bring it home, that when we talk about all these images, in my opinion my experience having lived in Europe and the Middle East and seen the amount of smokers, despite all the images and the graphic images displayed in Europe, graphic, very, very graphic images that are unbelievable. No one with the right thinking as Sen. Lyder alluded to, you can imagine that they would still smoke when they see these images but they do, and I do not like to speak in idealistic terms. They do, and why is that? And I will tell you why is that. The tobacco industry, they laugh all the way to the bank. They have us distracted all over the place; graphic images, graphic images. I researched this stuff quickly and saw 10 different reports, some stating that graphic images work and another 10 stating they do not work; easily researched because the tobacco industry, tobacco lobby is a serious, serious business. They will pay out \$1 billion in fines and not blink twice.

And we have to ask ourselves, how close are our politicians? How close is this Government to the tobacco lobby? That we could recognize that this is an industry that kills people, kills our fellow citizens of Trinidad and Tobago and still we have a discussion, hearing all these testimonies, and still we will not reach the conclusion that tobacco smoking should be eliminated completely. And it kind of reminds me of when—and this is not with any disrespect, when we had the debate on procurement and so, and we heard some stirring testimonies as to why we should have not “gut” the legislation, and then people abstained, and that is why we are not taken seriously by the citizens of Trinidad and Tobago.

So everybody here knows and testifies that this is an industry that kills people and still what do we do? Graphic images and so forth and so on, that does not have an effect, depends on who pays for that study. And let me tell you

something, WITCO profits as at September 2020, revenue TT \$892 million; earnings TT \$202 million. You think they are studying us? I could say what I want, you could say what you want; they are making money.

4.20 p.m.

Let me bring it closer to home. My family home is located 16 First Private Road, Mount D'or Road, Champs Fleurs. I could hop, skip and jump, I reach in WITCO. My mother died from lung cancer. She never smoked a cigarette in her life. She told me years ago, close to 30 years ago, "Son, there is smog that comes out of WITCO that hangs over Champs Fleurs." The hon. Minister should know that smog, he is the MP for that constituency. It hangs over Champs Fleurs, you can smell it every morning. She told me that is not good, that cannot be good. So when my mother, who never smoked a cigarette, succumbed to lung cancer in 2004, I went after WITCO, met with the Cancer Society. Funny how these things come back around, eh? I am laughing and smiling, but I am angry, because we do not do anything decisive here. We talk and testify and some—the Minister of Standing Orders will talk and laugh when Sen. Lyder is talking.

But it is nothing with some conviction about this thing. Nothing with some conviction. And that is why you have people protesting outside, because they recognize the lack of conviction here to take a stand and say, "You know what, we could break something that is not working and start over." And this is one of the things that we could break and start over. "I doh have to tell all yuh about a family relative or a friend, I telling you about my mother."

So I met with WITCO, I tried to have a protest. I was told the same thing, they employed people, 200. I was told the same thing. At least five of those 200, people who lived in that area, died of cancer, one of them, Jim Cobb, "Jimbo" we

used to call him. He played football with me, bring me up, chain-smoker, could not stop it for the life of him, tried everything. Healthy black man, beautiful guy. He was weighing about 85 pounds when he died. My mother was weighing considerably less when she died, could not recognize her.

“So talk all yuh talk, try and, you know, ridicule what Wade Mark—Sen. Mark said, Sen. Lyder, but all yuh really doh know this thing. All yuh really doh know this thing.” So I hope one time in this Senate that we will show some strength of conviction, and with all the talk we talk, we follow through when we vote, or we follow through with some legislation that can say, “This thing—this is an industry that kills people.” We are entrusted with the duty of protecting people. Let us make some decisions that might ruffle some money people and let us take those decisions. I hope so. Because I still believe in this House—not everybody—but a lot of you, I still believe in. I believe some of you are good people. I really do. Thank you, Mr. Vice-President. Thank you. [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Mr. Vice-President, for allowing me to partake in this discussion, the Tobacco Control (Amendment) Regulations, 2019. And this Motion is a long way in coming. We have seen since the 30th of June, 2003, the World Health Organization had their Framework Convention for Tobacco Control, the FCTC. And that had actually brought about countries who signed on as signatories. I think it was 168 countries. So, it is around 17 to 18 years ago, we can grow an adult in this time, where we had countries had the commitment to say that we are going to reach the full stage in trying to curb this evil that we have in our society, in the world. You see, nicotine is reported as being as addictive as cocaine or heroin, and it was really the solicitor’s—the Surgeon General’s report in the United States, since 1964, reported it is linked to

cancer. And since 1988, another Surgeon General report showed that the level of addiction, it is just as addictive as cocaine and nicotine.

So here you are, Trinidad has this lapse. I think Sen. Wade Mark actually mentioned that we have probably disappointed some. We have allowed this thing to run a further length without curbing it, but at least we are here today. At least we have reached this stage where we are now putting a final stamp to this. And if the United States with their Surgeon General's report since those days could not put a grip to it, an end to it, you see it still exists there. But as mentioned from others, the lobby is very powerful indeed. But, you see, we have to understand the addictive potential of cigarette smoking. It is very addictive and even—there were means that the Government in the United States wanted to approach the industry to say, “Hey, let us get a level of nicotine in your cigarettes that is mildly addictive to non-addictive levels.”

So, all of those—just as how we are looking at the marijuana and the amount of THC in it, they already had discussions about looking at the levels of the nicotine to bringing it lower. And why they were looking at this too, because if somebody has an addiction potential and they are addicted to this, you cannot just stop it like that. You have to have procedures in place. And I am thinking that, you know, somebody who stops this cigarette would have agitation, anxiousness, dysphoria, depression, and this is why countries would have smoking corners, smoking areas that you would still allow those individuals to go and partake in their habit, as well as offer options where they can go and get healing. So, again, I am saying, it is a long way in coming. And I am saying that we have to look, Mr. Vice-President, at if we are going to ban cigarettes, as one of our Senators mentioned, we have to look at we may have now to say, are we going to prescribe

cigarettes to those few who are still addicted, just as how you will have marijuana clinics? Those are things we have to keep in to a point to say there will be a level of persons addicted.

So when we are looking at the fact that we have come a long way, a different government some time ago had started the initiative. It has continued down. We have the banning of the advertisements, we have the products being kept away from the public, and all those are excellent initiatives. And I was very—I felt empathy for Sen. Nakhid when he mentioned his good friend died with this cancer, strapping individual. But once you put that cigarette in your mouth, that could be like a kiss of death that could be with you for a long time. And the effects of it—the dangerous effects of the cigarette smoking were well mentioned by the Minister of Health, the economic burden, and he went in to list all the major effects that you had medically. We had other Members speaking about asthma. You know, so we have the bad effects. And, I mean, half a million to treat lung cancer to a patient, as the Minister of Health mentioned, this, I mean—it is a great burden to the State. But it is more than just half a million because, you see, half a million is what the State would spend in their money to get the chemotherapy, radiotherapy, et cetera. But the emotional fallout from relatives, relatives who are not able to work, relatives who now have to spend money for other areas pertaining to their health, all those, it costs much more than half a million to a person.

So definitely, this is something—and I praise the Government's effort in bringing this here today. I praise the collective efforts of the past government, this Government, to come together with this. But I also must criticize a bit, because, you see, the oncology centre is something that I thought was something that was—we have been failed by various regimes, including this regime, and taxpayers'

money had went into that oncology centre, and this could have helped the patients that we had suffering from cancer. So, I am looking at the fact that I have to thank the Government for its initiative in the HPV vaccination, which again puts a dent in cervical cancer. So those are good things that are being done. But as I look at the—you know, one of the most shocking revelations today actually was not the figures quoted by the Members, but the fact that the Minister of Health openly said that he was a smoker in his primary school.

So again, at least we have seen the influence of youth to gravitate towards these things and we have already seen the benefits of a spanking, because he said he got a spanking from his mother. So probably he may be somebody who would help against—said, “Well, corporal punishment, in this case, certainly had its good effects.” I remember figures from Dr. Misir sometime ago, spoke about 23 per cent of persons 15 to 24 years old were smoking in our society. And there is a publication I would like to speak—a journal—in the Elsevier journal, where it actually looked at a report, the “Incidence and the Determinants of Cigarette Smoking...in Young Adults”. So, it was a study by a gentleman called O’Loughlin et al, and his other team members, and what it mentioned, the fact though that the young persons, they start to use the cigarettes mainly due to, one, use of alcohol plays a part. So those persons who are using alcohol would want to go on and use the cigarette. Also, impulsivity, so just by impulse you use it. Then, poor academic performance. Then again, peer pressure, as I think probably the Minister of Health mentioned. So those are feed factors we look at. And why I mentioned the study, is if you are going to try to put a dent in cigarette smoking, we have to look at the other parameters that could also help us.

And I would like to, you know, look at this Motion today. And I say this

Motion of putting these posters up, it is excellent. It is excellent in the sense that local images, I think though, should have been used. You see, we should not have to wait until we get permission from Caricom to use other images that were produced by, probably, European persons. We have enough handsome and beautiful people here to produce our own images and put it in our own packages. And I am thinking we could have gone that way, and in this way too, it would help prevent contraband because if the whole Caricom has certain images, if we have local images, it looks like we could be changing those images frequently, and may get a better effect. Because some Members did mention the fact that the same images will somehow lead to that sort of immunity, that people may not be—the shock value may not be there. So changing the images is something that may be beneficial. And I am looking at the psychology of images. I agree with this venture today because it is found that if you have coloured visuals—you find that if you have any sort of coloured visuals, it increases people's desire to read the content of something by 80 per cent, and if you have the content with images, it increases a view rate by 94 per cent. And the brain processes visuals 60,000 times faster than text, and 40 per cent of persons respond to images better than text.

So therefore, I see there is a need here for these images. It will help the shock value because we have already mentioned that, yes, it could weigh in, but we have to change the images with time. So, I see the advantages of this and I also endorse previous sentiments by the Independent Senator where he said, we have to look at other media for this. So, you see, the young people are looking at TikTok. The young people are looking at the different social media setting, and therefore, even the ODPM gives out messages—their messages to the public at time to time, randomly. And I am saying, we need to get a sort of message coming in to the

public, put it on social—make a social blitz. Because you see, while we are waiting for this period of one year, in the time being, we can send out these social messages for the young persons, we can put it in a platform they will understand, and I am saying that all those are benefits that we could—in the interim waiting for that one year.

I also looked at the fact that even that—we are always lagging behind. Because even though we are doing this now—and so, in 18 years I am thinking, you know, after it was mentioned as something that we should go after, we have to look at—the fact that I mentioned that study by O’Loughlin, it is a fact that alcohol plays a coexistent part. So, the WHO also speaks about the need to reduce alcohol, the need to reduce the alcohol in the population. So, the WHO—even though we are looking at the cigarette smoking—the WHO also aims to reduce the harmful use of alcohol by at least 10 per cent by 2025. So therefore, we need to target alcohol if we are going to target the cigarette smoking. So we have now to somehow look at the resistance we got from the smoking industry and the lobby. And I could imagine if we are now going to look at the effects of alcohol to try to meet this target by WHO, we will also be having that resistance from the alcohol industry. The fight against any sort of means to tame the alcohol use would be there.

So it is something we have to look in the future. And I look forward to the day when alcohol products are kept hidden in the grocery shelves and advertisements are also banned. So, all these are things I am looking forward to, and I looked at the fact that the images can give you a shock value. And I have to commend the Government for amending the Dangerous Drugs Bill recently, to look at additional chemicals that are coming into the country, additional chemicals

that we saw in the zesser parties and whatnot. And, you see, even though the Minister of Health said that he is going to look at the disadvantaged members who are targets, and he made mention that you may have had the health-seeking behaviour in the more socially—the upper society, the more social persons in society placed. But we have to appreciate the fact, eh. If you are higher in the social status, some of those individuals are not even going for cigarettes but they are now going for other drugs available, ecstasy, the amphetamines, the mollies, the ketamine.

So, we have to also, you know, look at those. And I am fearful that, Minister of Health, that crystal meth is in our shores, and regrettably, this is something we have to look at very carefully, and I see this as something that could destroy our people. So, granted, we are looking at cigarettes, we have to look at alcohol, but I know your proactive approach in looking at—in getting the vaccine for COVID, you have to be proactive now to see how we are going to look at the crystal meth scenario. The fallout that could occur. So, I would welcome any sort of initiative and future endeavours to see if we can look at these dangers that are there. And remember the crystal meth, Members, I think thinking, if you look at a picture of someone with crystal meth, sometimes they age in a matter of two weeks, their teeth will drop out, they will have holes in their gums. Those are images we also need to put on social media to warn our young ones, not just the cigarette ones that we are having, but it has to be out there in the platforms for the young ones to appreciate the danger that is out there. So, yes, alcohol; yes, cigarette, but now these new drugs coming

And as I close, I have to say, well, we have done a lot of good things in the country. We have three smoking cessation clinics and it is things that are available,

free of charge, for persons. We also have the—Caura has—there exists in Caura the Substance Abuse, Prevention and Treatment Centre run by Dr. Winston Gopaul. All these are free services that persons who have addiction can attend and the Ministry of Health has given these clinics staff. It is running properly. There is only one thing, Minister of Health, I may want to just name a few, there is a particular tablet called “Wellbutrin” an anti-depression which is used for smoking cessation. It is no longer available in Trinidad. I am thinking, probably, it is a good fight against persons who want to stop the urges. You may probably have to let your drug department look into why this drug is no longer available in our country. This is something I think we need. And I also have to thank the Ministry for having the stress clinics and the adolescent clinics, so young persons who have their urge to smoke, their addiction, they can now go to these clinics, deal with their stress—

Mr. Vice-President: Senator, you have five more minutes.

Sen. Dr. V. Deyalsingh: Thank you, Mr. Vice-President—deal with their urges before it reaches a situation where they are hooked on some substances.

So therefore, we have come a long way. We took our time but we are here, but we have to look at the danger behind the corner, the new ones coming along, we have to be prepared for it. And I am saying, this discussion here today showed me that persons on the other side are willing to get together for a collective sort of effect to pass certain Bills that may help our country. And I am seeing this coming together for common good is only something that could benefit the country as a whole, and I thank the Minister of Health for bringing it, and I thank the Opposition Members for—who are supporting this Motion, for supporting it, because I think the country and the children would deserve it. Thank you [*Desk thumping*]

Mr. Vice-President: The Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Vice-President. Mr. Vice-President, how much time do I have, please?

Mr. Vice-President: You have 30 minutes to wrap up.

Hon. T. Deyalsingh: Thirty minutes. Thank you very much. I want first of all—

[Sen. Dr. Dillon-Remy raises hand and motions to Sen. Thompson-Ahye]

Mr. Vice-President: Minister of Health, hold on. I am now being told that Sen. Thompson-Ahye wants to contribute. *[Desk thumping]* And Senator, just remember, when you want to speak you have to raise your hand or try to catch my eye so that I know for sure that you want to speak. That is just for future reference. Okay?

Sen. Thompson-Ahye: I did not hear what you say.

Mr. Vice-President: You understand what I am saying?

Sen. Thompson-Ahye: No.

Mr. Vice-President: So when a Member wants to speak, the rule is you have to catch the eye of the Chair so that they know for sure that you want to speak, even though, you know, we understand that there is a particular order that may be in place, we still do not know if Members do not want to speak again, or if they want to speak. The only way for us to really know that is if they raise their hand, raise in their seat. The Minister of Health would have popped up, so that is who would have come up next, but I am just—guidance, giving you guidance in relation to that. Okay?

Sen. Hazel Thompson-Ahye: Obligated. I thank you, Mr. Vice-President, but a list

was passed to me and my name was on the list, so I have never had to indicate that before. I am guided.

I came into the Chamber today not intending to speak at all but I felt, having heard the Minister of Health present, that I ought to speak. I was actually quite captivated by his exposition of the harmful effects of cigarette smoking. The very graphic images that he presented, depicting the effects of the of cigarette smoking. It was calculated to strike fear into the hearts of many potential smokers. I want to speak on the United Nations' Committee on the Rights of the Child, General comment No. 24 of 2019, first of all. It is entitled, "...children's rights in the child justice system", and it says that:

"...adolescence is a unique defining stage of human development...and this affects risk-taking, certain kinds of decision-making and the ability to control impulses.

....developmental and neuroscience evidence indicates that adolescent brains continue to mature even beyond the teenage years, affecting certain kinds of decision-making."

Now, Mr. Vice-President, section 38(1) of Children Act provides for:

"....a constable"—who—"reasonably believes that a child is...

(a) in possession of..."—or

"(b) smoking tobacco products;"

To:

- (i) issue a warning to the child or person;"— whom he believes to be a child;
- (ii) obtain the name, address, and contact details of the child or person, and of the parent, guardian or person with

responsibility for the child or person; and

- (iii) immediately notify the—Children’s—“Authority, who shall contact the parent, guardian or the person with responsibility for the child, forthwith on receiving the information.”

Now section 38(2) provided that:

The—“...child...shall heed the warning of the constable and comply with the request by him for information.”

Section 13 and 13A of the Tobacco Control Act, under which these Regulations are made, make it an offence to:

“...sell any tobacco products to a person under the age of eighteen...

And to:

“...use or cause to be used...”—such child—“as a courier...to sell, buy or deliver any tobacco product”—respectively.

And section 17A requires that:

“...vendors of tobacco products...”displayed prominently”—a sign...”—which says that:

“THE SALE OF TOBACCO PRODUCTS TO...”—a child or a person—
 “UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED.”

Now, neither of the laws quoted above, the Children Act or the Tobacco Control Act provide any consequences for failure of the child to provide the information to a constable, as required, and neither does either legislation create an offence for a parent or guardian or an adult with responsibility for a child, giving the child—tobacco products to a child. Now, such conduct in an adult might be deemed contributing to the delinquency of a minor and attract an appropriate penalty. But

when that same provision of delivering alcohol to a child by a parent, when that came up in a case, senior counsel was able to successfully argue that there is no law which prevents a father—there was a case of a father, we may recall, who gave alcohol to the children, and that case was thrown out. So as it stands here, what is there to prevent a father giving tobacco products to a child? Because we are talking about the whole idea of these graphic images being a preventative measure. So, what I would like to see is that all the laws dealing with tobacco and children, the Children Act and the Tobacco Control Act, that they are all in sync, that they make sense so that we could have effective protection for children. Now, curiously enough, when we look at Customs Act, Mr. Vice-President, there is another anomaly. The Customs Regulations made under the Customs Act, Chap. 78:01, has a declaration form C which states that:

Passengers 17 years and over—

And the last time I checked a 17-year-old was a child, under the Children Act, the Children's Authority Act, under the Age of Majority Act.

—and that child is entitled to a duty-free allowance of 250 grammes of tobacco or cigarettes, not exceeding 200; or cigars—not cigarettes—not exceeding 50; or cigarillos, not exceeding a 100, and 1.5 litres—you are talking about the wine

Now this regulation, it seems to me, conflicts with the prohibitions against sale of tobacco, against children using tobacco—being used as courier for these products. So, these exemption laws must be brought in conformity with the Children Act, the Tobacco Control Act. When we send conflicting messages to children, when we have these contradictions in the society, in law and practice, and between laws, it creates problems. We are sending mixed messages. We cannot

have our youths swirling in this sea of confusion that we have in our law. They do not know if they are coming or going, they do not know what is right or wrong, and we are bringing images which are going to deter them. When we go back to what the neuroscientist is saying, children, do not think of consequences. Children are not deterred by images. Children, who are adolescents, they have an attitude that they are invincible. They do not think about what is going to happen to them when they smoke a cigarette.

4.50 p.m.

We have to do more for our children when we are thinking of keeping them away from tobacco. And to have a regulation, to have something in place where someone can be given, how many grammes of cigarettes, how many cartons of cigarettes and bring it into the country and smoke those cigarettes, how can we be happy with that? We have to find a way of resolving that. I have been talking about the alcohol aspect, which is the same position, for years now, ever since I joined this Senate and it has not been changed. Those customs forms are still there.

So a child coming into Trinidad tomorrow with a carton of 200 cigarettes, there is nothing that you are going to do. So you have no sale of tobacco products to a child, but when that child brings in that product, what happens? Are you going to say, “Well, you have to ignore the customs form?” We have to get real and we have to make sure that all our laws are in sync, they must make sense. It is time we stop what we are doing, we stop and think that there are people who must review these laws, must make sure that they are all in tandem, that they make sense. And that is why I got up here today, to ask you to, please, do the tobacco legislation—“oh” they have not done the Liquor Licences Act. Let us get real, let us do things right. Thank you, Mr. Vice-President. [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you. Thank you very much, Mr. Vice-President of the Senate. I want to sincerely thank all Members for their contribution, both the Opposition Members, Sen. Mark, Sen. Lyder, Sen. Nakhid; I want to thank the Independents, Sen. Maria Dillion-Remy, Sen. Hazel Thompson-Ahye, Sen. Deyalsingh and Sen. Richards, and the two colleagues on my side, Sen. The Hon. Amery Browne and Sen. The Hon. Paula Gopee-Scoon.

So, as expected, the debate did take—did widen and that is excellent. So let me just contextualize what we are here today about. We are here today about smoking cessation, trying to discourage people from smoking and for Sen. Thompson-Ahye, especially for children. We are here today to enact one piece of the puzzle, but the smoking cessation programme is not only legislative. Yes, we must have laws, but it is a multipronged approach. And I will just go through the legislative framework so we could understand where this fits in. If one goes to the Tobacco Control Act, there are administrative functions, the Tobacco Control Unit which does its work. And for Sen. Thompson-Ahye, I feel your pain and I totally agree with you that we need to protect our children. And if you look at section 13A of the Act, “Prohibition on use of a child to buy tobacco products”, sections 13 and 13A speak specifically:

“13. No person shall sell any tobacco product to any person under the age of eighteen years.

13A. No person shall use”—a child—“or cause a child to be used, or hire a child including as a courier, in order to sell, buy or deliver any tobacco product.”

So, Sen. Thompson-Ahye and myself, we are in sync. [*Interruption*] Sure.

Sen. Thompson-Ahye: My point, Mr. Minister, is that the child outside the law may not prohibit and the child can bring it in. That child is not being used as a courier if you are bringing it in as a child of age 17. Once you come here, you can do what you want with it. The child can take it home. The child does not have to even give it to the parent. That is a lacuna in the law, Sir.

Hon. T. Deyalsingh: I will certainly have our legal department look at it. And the fines for an offence under section 13 which deals with children are:

- “(a) on summary conviction, to a fine of—
 - (i) fifty thousand dollars and to imprisonment for three months for the first offence;”

And it goes on for second offence and third offence.

So I want to say that the Tobacco Control Act does go a long way. Other measures, if you look at the Tobacco Control Act—and persons of my generation and Sen. Franklin Khan would remember when we were young, in an effort to encourage you to smoke, you remember those candy cigarettes? You would buy it in a pack with 10, they were white and the end was painted red. Right? Those are now banned. Right? You remember those days? Prohibition on toy or candy cigarettes, prohibition against tobacco advertising. So a lot of these measures are already in place to discourage people from smoking, to ban the advertising of cigarettes and so on.

I want to go now to specific replies to specific questions asked. What are we doing nationally? And I want to thank the Independent Senators, Sen. Maria Dillon-Remy and Sen. Varma Deyalsingh, because Sen. Mark refused to acknowledge that we do work in cessation, smoking cessation clinics, we do. But Sen. Mark, in his usual style, will omit that. There are pharmaceutical

interventions. Sen. Deyalsingh mentioned one and today we are tackling the issue of smoking at the point of sale, where people actually go to buy cigarettes.

[MADAM PRESIDENT *in the Chair*]

One Senator wanted some evidence and, yes, you can get a lot of evidence that is sometimes contrary but I would refer you to: “The Effect of Graphic Cigarette Warning Labels and Smoking Behaviour: Evidence from the Canadian Experience”.

“Conclusion:”—this is at the end of the abstract—“This study adds to the growing body of evidence on the effectiveness of graphic warnings. Our findings suggest that warnings had a significant effect on smoking prevalence and quit attempts in Canada.”

It also goes on and we like—my friends opposite like to quote Singapore. The same study goes on to say:

“In Singapore, 47% of smokers reported decreased cigarette consumption after pictorial warning labels were introduced...

Research has shown that graphic warnings were more effective than text-only messages. Graphic warnings induced a greater emotional response”—and—“were more likely to retain their salience over time, and increased awareness of health risks, compared with text warnings...”

So there is an increasing body of evidence that graphic warnings do in fact work. I want to really thank Sen. Dillon-Remy, again, for mentioning the SWRHA clinics, a lot of work is being done.

Sen. Lyder, I want to agree with you wholeheartedly about tax evasion. And I did thump my desk when you agreed with me that one year was excellent for WITCO. But in advocating for tax avoidance, I want to thump my desk for the

UNC to agree to the establishment of the revenue authority of Trinidad and Tobago. [*Desk thumping*] Because that, that my friends, is the function of a Senate, is the function of parliamentarians to pass law. Let us stop playing politics with the revenue authority. [*Desk thumping*] I agree with you, I agree with you, we need to curb tax evasion. So let us join hands again across the political divide, two and a half swords length, and bring into force the revenue authority of Trinidad and Tobago, because you are right.

The issue of illicit trade has come up. Let me explain, and I think Sen. Mark alluded to the fact that the Ministry of Health—I am just paraphrasing Sen. Mark— bears some certain responsibility to curb the illicit trade in tobacco. Well, nothing is further from the truth. If one goes to the Tobago Control Act, section 8, section 8 talks to the power of authorized officers. Authorized officers have the power to enter premises and seize goods like counterfeit cigarettes, which my friend, and he is my friend, Sen. Damian Lyder spoke about. The Tobacco Control Unit of the Ministry of Health does not have that power. Those authorized officers are the police and customs. Those are the authorized officers. What the Tobacco Control Unit will do, as part of their routine or special investigations, is work with the authorized officers, like police, like customs, to raid. So the Ministry of Health does not have the power, under the Act, to seize counterfeit. Okay? So it is a collaborative effort between the Tobacco Control Unit, customs and police. And that is the same type of powers that we want to give the revenue authority. [*Interruption*] No, this is serious. Because, you see, it is okay to have a public outcry but our job here is to pass the law. So if you and I, my friend, Sen. Lyder—
Sen. Mark: [*Inaudible*] —relevance.

Hon. T. Deyalsingh:—and myself—because he brought it up about tax evasion.

Tobacco Control (Amendment) (cont'd)
 Regulations, 2019
 Hon. T. Deyalsingh (cont'd)

2021.02.09

Sen. Mark: Yeah, but that had nothing to do with the revenue authority.

Hon. T. Deyalsingh: Yes. It has everything to do with the revenue authority.

Madam President: Minister of Health, please. I do not know when it has become the norm to have these chats across the floor. So could I ask that we allow the Minister of Health to continue with his presentation? Minister of Health.

Hon. T. Deyalsingh: So tax evasion, which Sen. Lyder brought up, with the illicit trade in cigarettes has everything—everything to do with revenue authority. Let us pass it.

Sen. Mark: “I ain’t voting”. And I am not supporting the revenue authority.

Hon. T. Deyalsingh: [*Laughter*] I also want to go to some other issues raised. So I have dealt with the illicit trade. Sen. Mark made the assertion that the Tobacco Control Unit only has two officers. Madam President, in his usual style, nothing is further from the truth. There are seven officers in the Tobacco Control Unit, not two. Please, when you do these things, you demoralize people. There are seven officers in the Tobacco Control Unit, not two. So I just had to correct the record on that. I promised to deal with the issue of vaping—

Sen. Mark: Madam President, if the Minister can give way? Can the Minister outline the officeholders and their titles, since there are seven, because I want to ensure that this unit is strong.

Hon. T. Deyalsingh: Thank you, Madam President. I promised to deal with the issue of vaping. I have a brief here on what we have done so far. And for completeness, I will read in the answer. Section 18(1) of the Tobacco Control Act, Chap. 30:04, provides at 18(1):

“No person shall—

- (a) import or manufacture; or

(b) sell, display for sale, distribute or supply, any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or which imitate tobacco products.”

The Ministry of Health has been having discussions with the Chief Parliamentary Counsel to determine if vaping and associated products fall under the rubric of 18(1). We are in those serious discussions and at the appropriate time, we will have a firm position whether vaping falls under 18(1) and if it is captured here, no new legislation is needed, but if it is not, then we may have to have new legislation. So promise made, promise kept.

Sen. Mark made a lot of hue and cry about 2001, 2005. Well, I was not around in 2001 as Minister of Health, or 2005. I did say and I took a particularly non-partisan approach to this when I praised every Minister of Health from Hamza Rafeeq, John Rahael, Jerry Narace, Fuad Khan and myself.

Sen. Mark: You praise yourself? [*Desk thumping and laughter*]

Hon. T. Deyalsingh: I praise everyone and I said we are accepting the baton here today. But, you see, if you go into the *Hansard* of the 13th of February, 2013—and I did not want to do this, I did not want to do this, because I am treating this as a non-political issue. This is what Fuad Khan had to say as then Minister of Health. This is the *Hansard* of 13th December, 2013:

“We were with CROSQ and Caricom looking at these images for quite a long time...”

This is your former Minister of Health.

Hon. Senator: Who was the Speaker?

Hon. T. Deyalsingh:

“...to develop the images themselves and in keeping with Caricom

arrangements, so that is why it took a little while for us to get approval for the images. It did take a 'lil' while. And as I was speaking to the former foreign affairs Minister..."—the Minister—"for Tabaquite, he indicated that Caricom"—and these are his words, eh—"does take a while to do things and that is...why these regulations were not...brought with these images, because we were waiting for a very long time..."

That is Fuad Khan; that is out of our direct control as Ministers. That is why it takes time. This is Fuad Khan speaking on the *Hansard*.

Sen. Mark: What is the relevance of that?

Hon. T. Deyalsingh: To explain to you why it does not happen [*Minister snaps fingers*] at the snap of a finger. You see, if you served in Government long enough, you would know what is within your control as a Minister and what is out of your control.

Sen. Mark: I serve politically— [*Inaudible*] and I never pilfer. [*Laughter*]

Sen. Mitchell: Tell him where the chair is.

Hon. T. Deyalsingh: Where the chair from T&TEC, the massaging chair? [*Crosstalk and laughter*] He never pilfer but we "cyah" find the T&TEC chair. [*Crosstalk*]

Madam President: Minister, Minister, Minister. Sen. Mark—

Sen. Mark: Yeah, yeah, yeah.

Madam President: No, no, hold on. Sen. Mark, please desist from making comments across the floor because then when you make comments and responses are given, it gets a little heated in here, okay. So that is the last time I am cautioning you on this. Minister of Health.

Hon. T. Deyalsingh: Thank you. [*Desk thumping*] But we are still looking for the

chair from T&TEC. That is it.

Madam President, section 19 of the Act—because you were asking what else we were doing to discourage smoking. We need to go to section 19 of the Act which speaks to prohibition against smoking advertising.

“(1) No person shall initiate, produce, publish, engage or participate in any tobacco advertising, promotion or sponsorship.”

It was invoked many years ago that in order to encourage people to smoke, that you sponsor cricket. For those of you who followed test cricket in the early days when West Indies went to play in Australia, those series were sponsored by Benson & Hedges. Right? It was called the Benson & Hedges tournament. And the advertising boards on the boundary, Benson & Hedges. It is well known that all the tobacco companies sponsored football, cricket, basketball, all those things have stopped. However, what we have to really come to grips with is the psychological reason why people smoke. And I was speaking to Mr. Collymore, the head of the Tobacco Control Unit about the work we do at the tobacco cessation clinics. It is not as easy as it sounds, and Sen. Dillon-Remy and Sen. Deyalsingh spoke about it.

I am told that these are not just simple clinics where people walk in to. A lot of investigation has to go in as to what triggers people to smoke. What are the triggers? Is it stress? Is it peer pressure? Or is it that your pleasure centres crave whatever it is? So it is investigative, it is persuasive and then the RHAs follow up with these people. So the smoking cessation clinics actually work, they are present and I really want to commend the excellent work done by the Tobacco Control Unit and the RHAs.

So we were talking about Sen. Mark wanted to know about enforcement. There are roughly 28 entities in Trinidad and Tobago that are registered with the

Ministry of Health as tobacco producers, tobacco importers. And part of the enforcement is inspections. Now, it is only 28, eh, so the inspections are going to be correspondently low. We have done 55 inspections between 2020 and 2014, and this is where the enforcement will come in, Sen. Mark, that you asked about. So what we do, we also collaborate with the authorized officers from customs, police and public health inspectorate. All that is part of the enforcement.

I just want to go back to dissemination of information because one of the Independent Senators made a very good point. It not only about graphics and you are right. It is what other media we are using. We have to reach people on social media. So, the Tobacco Control Unit has already started online services, educating people, and you are right, that has to be deepened.

So, Mr. Vice-President, I think I have addressed—Deputy [*Interruption*]
Sorry?

Hon. Member: Madam President.

Hon. T. Deyalsingh: Madam President, sorry. I think I have addressed all the concerns raised by Sen. Mark. Sen. Richards wanted a ban on alcohol and tobacco, that is a whole other discussion, as you know. And you did say, Sen. Richards, you were being facetious. [*Laughter*] Good. Sen. Lyder, I dealt with the issue of tax evasion. Sen. Lyder also wanted to know about smoking and COVID. Yes, there is a plan to tackle the issue of smoking and COVID. And at the press conferences that the Ministry of Health has three times a week, we have addressed the issue of anyone with any sort of respiratory issue.

Sen. Nakhid: Madam President, on a point of clarification? Hon. Minister, you said you have addressed our concerns. But have you, together with the EMA, done any kind of studies about WITCO's emissions in that community, that they have

been in for 78 years.

Hon. T. Deyalsingh: That is not something I have personally done but it is something I could certainly ask the EMA on your behalf because I heard your story and I empathize with you, but I could ask the EMA. Whether I know if it has been done, I cannot say. Okay? Right. Sen. Lyder, smoking and COVID, yes, we addressed those issues at our thrice weekly press conferences, where we address the issue of COVID and all respiratory conditions, whether it is asthma, emphysema, COPD and yes, smoking. And there is some work being done by the Tobacco Control Unit about smoking and COVID. Because most of the deaths worldwide and in Trinidad and Tobago, over 95 per cent of the deaths have to do with the people with NCDs, and smoking is a part of that. Okay? So I want to give you the assurance that that is being looked at.

To Sen. Deyalsingh who spoke about the need to develop local images. We went to CROSQ because they are a Caricom body, to get a Caricom solution to have one across the islands. It is not a simple task of just taking a photograph. The photographs have to be tested to make sure they have the correct impact, they have to be copyrighted. So instead of reinventing the wheel here, we did go to CROSQ. As I said, from the days of Minister Fuad Khan to now, it took a while, yes, it took a while, but we are happy now to have the images that are Caricom-based that Jamaica is the custodian for. And as I close, I want to correct one error I made. I did say that we will give WITCO one year until March 2021. It is March 2022. So I just want the record to reflect that the correct date for the implementation of these measures, it is one year after it goes through the Senate and the Lower House affirmation, and then we make the images available to WITCO. We have the images on JPEG and we will make it available at them.

So those are the points that I want to raise. I want to thank all Senators for their very sincere contributions, both Opposition and Independents. And, Madam President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Resolved:

That the Tobacco Control (Amendment) Regulations, 2019 be approved.

Madam President: Leader of Government Business.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, I beg to move that this Senate do now adjourn to a date to be fixed.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark. [*Crosstalk*] Sen. Richards.

Legalization of Non-Lethal Weapons (Need for Government to Address)

Sen. Paul Richards: Thank you, Madam President, for the authorization to raise this Motion on the adjournment: the need for the Government to bring to Parliament in the shortest possible time, a Bill to legalize the use of non-lethal weapons that would assist women and girls in protecting themselves against violent physical attacks.

In this instance, I speak specifically about pepper spray. And to clarify, this is the same substance used by police in some jurisdictions sometimes called “OC”, because it is made from oleoresin capsicum which comes from chili peppers. It is also, in terms of brand sometimes called “Mace”. It is used to in some instances

incapacitate people by causing temporary blindness, difficulty in breathing and burning sensation on the skin. Side effects usually last a short time, generally an hour or two. In some jurisdictions, police are only permitted to use pepper spray “reasonably” and there are different varieties of pepper spray containing different percentages of the active substance, but the higher number does not necessarily indicate a more potent formulation.

There are several options available in terms of jurisdictions, in terms of some areas go through a licensing regime where they go to an authority, like the Commissioner of Police or some established person, to receive a licence. But the more pervasive one—and I would go through a list of countries that have legalized pepper spray in some US States where it is allowed in certain concentrations.

Now, the call for legalization of pepper spray does not mean that it is intended to be a cure-all, a panacea, a quick fix. We all know of the challenges in the criminal justice system in Trinidad and Tobago, the apparent patriarchal value system which seems to pit girls and women as property, chattel to be owned, controlled, used as objects of desire and utility by some heinous men. We know the solutions lie in families’ informal miseducation of some boys who are not born “monsters”, as they are termed these days—this is the vogue term—but are trained and groomed by formal and informal societal mechanisms, by seeing how their fathers, uncles, in some instances, and supposed role models, treat women. And somehow, some aspects of art, culture, mass media, portray women and girls, and how the criminal justice system is absent of the alacrity that will ensure that those who commit these crimes against women and girls are locked away, or tried in an expeditious manner and locked away. In some instances, they may be capable of reform.

This country has seen decades of this kind of heinous activity against girls and women. It is no longer at the tipping point. To quote Pastor Dottin in a recent interview on Power 102 yesterday:

We are past the tipping point, we are now at the tripping point where some citizens are starting disturbing conversations about taking the law into their own hands because the system has and continues to fail them. And like us, with the power, in some instances, to make a difference seem unwilling to act. People are fed up. The time for empty condolences to Candice Riley, Ashanti's mother; Shannon Banfield's family, and Mr. Bharatt, Andrea's father and her family, are now passé and long past. It is time to act.

5.20 p.m.

Giving women the ability to have a fighting chance with pepper spray or other non-lethal devices can show that we are at least willing to give them a fighting chance. It is not intended to be a cure all. But if it saves one life, it is worth it. If it gives women hope that the authorities and the figures, that they are listening and they are hearing their cries on a daily basis, on a weekly basis, it is worth it. There are some who comment that well it can get into the hands of criminals, well guess what? Criminals already have guns and knives. They are raping and abusing women daily with impunity. It is intended to be part of a wide cadre, a plethora of mechanisms including no bail for rapists, or rapists on the conditionality of an ankle electronic bracelet so we will know where you are if you are charged with rape. So you do not have 70 charges and end up on the streets to do it again.

Bail (Amdt.) Bill, anti-gang legislation, RF tags on all vehicles which I am happy to see it seems to be coming to a fruition, and the long discussed night court

to clear a backlog of cases which is part of the issue with the criminal justice system in Trinidad and Tobago.

Madam President: Sen. Richards, I am reluctant to interrupt you, but I would ask you to look at the Motion that you have filed.

Sen. P. Richards: Thank you.

Madam President: Okay? Yeah.

Sen. P. Richards: So the issue of the legalization of non-lethal weapons which would assist women and girls in protecting themselves against violent attacks comes on the foundation of the data that exist in Trinidad and Tobago, where there have been 743 murders of women between 2000 and 2019. Two hundred and seventy of these were—36.7 were attributed to domestic violence situations and 743 women in T&T have been murdered; in terms of rape, 8 per cent.

There are predators and rapists roaming the streets and women have a right to defend themselves. They just do not have the tools at this time. Between 2000 and 2019 there were, 6,047 reported rape and I stress reported rapes, with 73.4 per cent being between the ages of seven to 24 years old. Ironically or interestingly enough that is the age of Ashanti Riley and Andrea Bharatt. So the data is supporting what is happening in the country, and I have brought this Motion to ask or to beg the Government, in the shortest possible time, to legalize the use of these non-lethal weapons for women over the age of 18 or people over the age of 18.

In terms of the 6,000 rapes between 2000 and 2019, because of the underreporting of rapes it suggests that if we are to go by global statistics there would have been 12,000 rapes perpetrated in that time period, the majority of which have not been reported. So I ask you in the most humble manner, on behalf of the families of those who have lost loved ones, who are being abused on a daily

basis, who will be raped if we do not act, to please consider it and bring this legislation to legalize the use of non-lethal weapons in shortest possible time to protect the country's women and girls from these violent and ongoing physical attacks. I thank you, Madam President.

Madam President: Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I thank you very much for the opportunity to respond to this Motion, and I thank Sen. Richards for bringing the matter to the Parliament. Madam President, the Motion seeks to or calls upon the Government to bring in the shortest possible time legislation to legalize the use of pepper spray, the use of non-lethal weapons I should say, that would assist women and girls in protecting themselves. And Sen. Richards, Madam President, opened with a description of pepper spray and therein lies an important issue for us to consider.

Before I go into it, Madam President, we have all lived through as citizens of this country and as parents, and siblings, and husbands, and boyfriends, and so on, of the trauma of crime and when it leads to the loss of life, and on behalf of the Government I extend condolences to the family of Andrea who we lost last week. But, Madam President, it is not simply a matter of bringing legislation to legalize the use of non-lethal weapons for women and girls only. Successive Governments, including our colleagues during their time, 2010—2015, made commitments in relation to not only non-lethal weapons for citizens, but also for the police, for law enforcement. Let me remind you that it took decades. Notwithstanding the widespread use of Taser, for example, it took decades for Tasers to be made available to the Trinidad and Tobago Police Service, and it was only around January 25, 2021, that the Taser was first used by police somewhere in Morvant I

believe.

It was only in November 2020 that the Police Commissioner announced the availability of pepper spray to police officers. It was only in January 2021, last month, that the police for the first time used pepper spray under the law. Because those involved in litigation in relation to the prison, for example, would know that there have always been allegations of the use of pepper spray by law enforcements. But it is only January 2021 it was used. So it has taken that long to be used by law enforcement in this country. And in relation to both, Tasers and pepper spray, but I will talk about pepper spray in particular, I know since I was growing up in the countryside everybody kept something under their bed or in their car trunk or something like that, you were always warned to be on the receiving end of the weapon you carry, and I think that is part of the issue in the public domain and the issue for policymakers whoever was in Government.

Pepper spray, Madam President, could be more lethal than a firearm in the wrong hands. So we are moving—we already have significant controls over firearms to the extent that people complain of not being able to access them, and in making pepper spray available in the circumstances and the extent to which we are going to make it available and the controls, the sale of it whether it should be in a licensing regime, whether it is going to be of a particular quality in terms of strength or something like that, there are many policy matters to be addressed. And I am happy to say in relation to the Motion that the Minister of National Security had commissioned the Office of Law Enforcement Policy, known as OLEP, to study the issue and to report to him.

He has in fact received the report and the report is due to be considered by the National Security Council. And on the basis of the deliberations of the NSC,

appropriate recommendations would be made to the Cabinet which would lead to what Sen. Richards calls upon us to do, which is legislation or some decision on the availability in Trinidad and Tobago, the use, the sale, safe custody, and all those issues in relation to non-lethal weapons in particular pepper spray which is very topical. Because I will tell you this, Madam President, as the Minister of Agriculture, Land and Fisheries I will tell you that the most dangerous pepper we have produced in the country is the Moruga scorpion, two million Scoville units.

I have had friends—I would not venture anywhere near that. I do not know if anybody has. I have friends who have reported it is the closest feeling to a heart attack that they have gotten. And the pepper that is used in pepper spray, the strength of the pepper, the capsicum in pepper spray, is about three times Moruga scorpion. It is deadly and it is, as I say, in the wrong hands and in particular circumstances far more deadly than a firearm. And that is an important consideration, but it is not, Madam President, for any—do not leave here thinking the Government is not concerned, aware, willing, and preparing itself to do what has to be done to afford a greater level of protection not to women and girls only, but to the citizens of the country. I thank you very much. [*Desk thumping*]

Madam President: Sen Mark.

**Trinidad and Tobago Electricity Commission
(Implementation of Debt Recovery Plan)**

Sen. Wade Mark: Thank you, Madam President. Madam President, there is a need for the Trinidad and Tobago Electricity Commission to urgently implement a debt recovery plan to collect all outstanding payments amounting to approximately \$1.4 billion prior to there being any increase in electricity rates in this country. Madam President, it is clear that there are attempts by the Government to present a

narrative to the country in an effort to justify rate increases at T&TEC through the RIC and I will demonstrate that in a short while. Madam President, the RIC has embarked on this project aimed at increasing rates, particularly electricity rates in a period of, or the time I should say, where we have an exponential growth in unemployment, growing poverty levels, major foreclosures both of business and residences, as well as a massive and growing foreign exchange crisis.

According to a *Sunday Guardian* report dated the 17th of January, it was revealed that T&TEC was owed some \$1.2 billion by the Government of Trinidad and Tobago for supplies to hospitals, police stations, Ministries and schools among other Government agencies, while some \$264 million was owed to T&TEC by what they call ordinary consumers, giving a grand total of \$1.4 billion. But when they talk about ordinary households or consumers, let us delineate and categorize. Madam President, we are talking about the private sector and we are talking about the public sector. The private sector owes T&TEC \$264.4 million, comprising of household consumers and businessmen or businesses I should say. Household consumers owe, Madam President, approximately \$100 million, whilst businesses owe T&TEC \$150 million.

In the public sector T&TEC is owed \$1.2 billion. The bulk of that money, as I said, coming from state-owned enterprises, Government Ministries and the other agencies that I have mentioned. What is interesting here, Madam President, is that Desalcott owes T&TEC, from my research, some \$50 million as we speak. Now there was this talk some time ago and it appears to be true, that the T&TEC on the other hand owes National Gas Company a sizeable amount of money. Madam President, we do not know what is the true figures. We heard, we read I should say in that same *Guardian* story of Sunday, January the 17th, 2021, it was \$1.5 billion.

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Then some time in 2018/19, the Prime Minister stated at some event that they were having with Shell that T&TEC owes NGC \$700 million or \$47.5 billion. Then the Minister of Public Utilities, the newly minted Minister of Public Utilities, said that T&TEC owes NGC \$1.9 billion. I would like the Ministry to tell us, what is the exact amount?

But, Madam President, these outstanding debts owed to T&TEC by these various organizations that I have mentioned, is no justification for any rate increase in this country. We are being told, Madam President, because T&TEC owes NGC \$1.9 billion or whatever is the correct figure, and because T&TEC is owed \$1.4 billion, the bulk being owed by the Government of Trinidad and Tobago, there is this hustle to impose a new set of rates on a very beleaguered population that cannot take any more pressure. Madam President, it is said when you put too much pressure on people, like water in a very thin space flowing, it will break, it will bust. So we have to be careful what we are doing. The people cannot take any more pressure because it will bust.

So I am told—Madam President, I want to tell the Government what they should be doing, through T&TEC, is establishing what we have described in the Motion a debt recovery plan. Let T&TEC collect their \$1.4 billion. And, Madam President, in the case of NGC, let me tell this honourable Senate that the NGC that is owed \$19. billion or thereabout, whilst they are supplying T&TEC with gas, 231 or 251 standard cubic feet per day, T&TEC does not use the gas. The gas is sent to PowerGen and to the other power plants that we have in this country. So T&TEC is a conduit for these enterprises that are making a lot of money in this country whilst T&TEC continues to have challenges. And I want to also advise, Madam President, this Government scandalously negotiated an arrangement with those

energy upstreamers that is causing NGC no end of trouble, and this Government has a responsibility to get back to the negotiating table and renegotiate those gas prices that you gave away. And now you are asking the population, through T&TEC, to pay higher prices because of your sell out or incompetence.

Madam President, that is unacceptable and I want to warn this Government today, this pressure that you all are putting on the population, they will not take it for long. I am asking the Government, through the Minister of Energy and Energy Industries, do not proceed with any rate increases until this economy begins to revitalize itself and renew itself. Right now citizens cannot pay any increases of electricity.

So, Madam President, I am saying that this is a matter of grave concern because as a result of the kind of negotiations that took place that resulted in us getting the raw end of the stick, you have right now the down-streamers at Point Lisas almost about the nine or 10 plants mothballed and NGC cannot provide them with competitive gas prices. So what is going to happen to Point Lisas at the end of the day? But you want to use NGC as a cover in order to give T&TEC the all clear through RIC to increase the rates for the ordinary man and woman in this country. I am calling on the Government, fix your house, fix your business. You mis-negotiated, you sold out our interest, get back around the negotiating table, get proper prices for the gas that NGC had to buy from the upstreamers, and do not proceed with any increases in electricity rates. I thank you very much, Madam President. [*Desk thumping*]

Madam President: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, I think

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because I would be attempting to respond to this Motion on behalf of the Minister of Public Utilities, which it was directed to as it is a T&TEC matter, I think because Sen. Mark saw me he got flustered. Because all of a sudden the Motion as it was presently directed, the need for the Trinidad and Tobago Electricity Commission to urgently implement a debt recovery plans to collect outstanding payments amounting to \$14 billion—which is correct—prior to there being any increase in electricity rates. All of a sudden because of my presence here, the Motion morphed into his long discourse on the negotiated gas price for the upstreamers which he has spoken about here ad infinitum.

He spoke about nine to 10 methanol plants being mothballed at Point Lisas. Obviously that is a gross exaggeration, and then went ahead to have a short discourse on T&TEC's debt to the NGC which is partly relevant to this Motion. So I think he got his wires mixed up so he was not as articulate in presenting the Motion as he could have been. Because there—it is a fact that the outstanding receivables to T&TEC, the actual figure as at January 31, 2021, is \$1.275 billion. That is made up of \$1.157 billion from the public sector which includes Ministries and state enterprises, and \$118 million from the private sector, and of that \$118 million, \$55 million of that is owed by one customer, Desalcott, which is correct.

Efforts are afoot to see if we can collect this receivable from Desalcott as a matter of urgency because Desalcott is killing WASA largely because of an extension you all made in 2014. An extended take-or-pay contract at a higher rate for Desalcott water to WASA until 2037. We cannot even come out of that. That is one of the problems that WASA is having today. When we were coming to the end of that take-or-pay contract from Desalcott you know, in 2014 the UNC extended it until 2037 you know. Take-or-pay, the most expensive water on the market in

Trinidad and Tobago, but I will deal with that another day.

The state sector debt is obvious. It is Caesar unto Caesar. The Minister of Finance will have to come up with a mechanism to clear the debt out of T&TEC books, so that there will be some arrangement that will deal with that. On the private sector side, it is not as bad as Sen. Mark made it out to be. As I said of the \$118 million owed, \$55 million, which is about half, is owed by one company Desalcott. The debt broken down into time: 0 to 30 days, 130 million; 30 to 60 days, \$34 million; 61 to 120 days, \$34 million; over 120 days, \$72 million.

T&TEC is in a programme to try to collect this debt. The Trinidad and Tobago Electricity Commission has a debt collection policy, the ultimate goal of which is to decrease the volume and amount of receivables and increase their rate of collection. The policy provides for aggressive follow-up on all the delinquent accounts and establishing clearly defined process for collecting past due accounts, beginning when an account first becomes delinquent and continuing until the debt is collected. A variety of methods are being employed on past due accounts including persuasive strategy like phone calls, email, letters. Payment plans are also negotiated with customers. Obviously, especially for domestic customers disconnection is pursued as a last resort. But ultimately if the customer just continues to refuse to pay the debt obviously disconnection will kick in.

The issue of a rate increase, and let me make it abundantly clear, a rate increase falls under the jurisdiction of the Regulated Industries Commission. The most T&TEC could do is apply. The Government cannot implement a rate increase if it is not justified and it is recommended by the Regulated Industries Commission. What the Government can do, however, is if the Regulated Industries Commission say they should have a 30 per cent increase, the Cabinet could say no

that is too high. We will only allow a 10 per cent increase. However, if the Regulated Industries Commission say you could implement a 10 per cent increase, the Cabinet does not have the power to implement a 30 per cent increase. So that is the protective mechanism. That is why it is called a Regulated Industries Commission because the commissions are by definition independent.

So they will go through the records of T&TEC, they will look at its operating cost, the cost for gas, the cost for running its operation, the cost of providing its services, the quality of its service because you cannot have a rate increase when you do not provide good quality services. One of the reasons WASA could not get increases over the years is because the RIC deemed that their service was not acceptable to the population. So there are safeguards in the system that does not allow for a runaway horse so to speak. So nobody is coming to inflict hardship on the population of Trinidad and Tobago.

With regard to gas price, there is something called a power tranche that BP in particular sells to T&TEC 100 million standard cubic feet of gas per day, just above a dollar per MMBtu which is called the gas tranche. However, T&TEC uses about 260 million standard cubic feet per day. So that is priced at a higher rate. So the average price is still lower than what Point Lisas pays. And even then T&TEC's cash flow does not even allow it to meet that debt to the National Gas Company.

So all in all, I must say that T&TEC provides an excellent and reliable service to the country of Trinidad and Tobago. Ninety-nine plus, 99.6, or 99.7 per cent of the population receives a power supply. And I see Sen. Mark shaking his head because you know why, because you had a relationship there and it has done well. It has done well. The Trinidad and Tobago Electricity Commission provides

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a reliable power supply to Trinidad and Tobago. Okay? However, if there are challenges in the rates structure—because for the record, Trinidad and Tobago has one of the cheapest electricity rates in Latin America, in this hemisphere. Okay? But that is not the jurisdiction of the Government. The Regulated Industries Commission, if and when T&TEC makes its application for a rate increase, they will determine if there is the veracity in that claim and they will so rule.

But for the purposes of Sen. Mark's Motion, I have outlined the debt, and the receivables, and the plan that is in place to collect the receivables on behalf of T&TEC. Madam President, I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.50 p.m.